

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.959 of 2015

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Prakash Yadav, Son of Bhola Yadav, Resident of village-
Loradih, P.S.- Chandan, Distt.- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar, Adv.

For the State : Mr. P.N. Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 08-03-2018 The petitioner has challenged the order dated 24.09.2015, passed by the learned 5th Additional District & Sessions Judge, Banka in Sessions Trial No. 495 of 2011, arising out of Chandan P.S. Case No. 62 of 2010, whereby the prayer of the petitioner for being declared a juvenile has been rejected.

The order impugned reveals that the petitioner was made an accused in the case of murder of his wife. His date of birth is stated to be 14.08.1993 and thus, it was claimed that on the date of occurrence, which is 30.06.2010, he was a juvenile.

The aforesaid contention of the petitioner was



negatived and rejected by the Trial Court on various grounds. The Trial Court took note of the fact that the School Leaving Certificate (Class-V) was undated and, therefore, not fit to be believed. In the enquiry, only one maternal uncle appeared and stated that the date of birth of the petitioner was 14.08.1993.

Since these materials did not satisfy the Court, a Medical Board was constituted for assessment of the age of the petitioner; but the petitioner never turned up before the Board. Later again, a Medical Board was constituted and the age of the petitioner was assessed as more than 22 years on the date of the occurrence. The Trial Court also took note of the fact that the deceased also, at the time of occurrence, *i.e.*, her death, was 22 years of age.

Considering the aforesaid facts, the prayer of the petitioner for being declared a juvenile was rejected.

This Court does not find any fault with the order passed by the learned Trial Court.

The petition is, therefore, dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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