

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1192 of 2017

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Ashish Kumar, Son of Sanjay Kumar Gupta, Resident of
Mahajan Tola, Sultanganj, P.S.- Sultanganj, District-
Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Jha, Adv.

For the State : Mr. Sakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 15-02-2018 The petitioner is aggrieved by the order dated
21.07.2017, passed by the learned 3rd Additional District &
Sessions Judge, Bhagalpur, in Sessions Trial No. 609 of 2016,
arising out of Sultanganj P.S. Case No. 74 of 2016, whereby
he has been directed by the learned Trial Court to produce
certificate from the Bihar School Examination Committee for
his case to be sent to the Juvenile Court.

The petitioner had furnished the admission
register of Aadrash Middle School, Sultanganj before the Trial
Court, which depicts that the petitioner Ashish Kumar, was
admitted in Class II of that school, where his date of birth is



recorded as 10.12.2000.

Learned counsel for the petitioner submits that if the Trial Court was not satisfied about the veracity of the admission register which was produced for an inquiry, a direction ought to have been given. Instead, the petitioner has been asked to furnish the certificate of date of birth as recorded in Class-X certificate issued by the Bihar School Examination Committee. The petitioner admittedly has not pursued his study beyond Class-II. It has further been submitted that the case of the other accused person, whose date of birth was shown by him to be of 2001 has been sent to the Juvenile Justice Board.

For the aforesaid reason, the order dated 21.07.2017, passed in Sessions Trial No. 609 of 2016, is set-aside.

The Trial Court is directed to hold an enquiry and, thereafter, take a decision whether the case of the petitioner is required to be sent to the Juvenile Justice Board, where regular assessment of his age shall be done in accordance with the law and Rules in that regard.

The present petition is allowed with the aforesaid directions.

(Ashutosh Kumar, J)

Praveen-II/-

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