

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.196 of 2019

Arising Out of PS. Case No.-161 Year-2017 Thana- EKMA District- Saran

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BIMLESH KUMAR SINGH, aged 27 years (Male), Son of Jay Narayan Singh Resident of Village - Langara Tola, P.S. Ekma, Distt. Saran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Anup Mahto, Male, aged 22 years, Resident of Village - Langara Tola, P.S. Ekma, Distt, Saran

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh
For the Respondent/s : Mr.Dr. Indiwari Kumari

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 26-03-2019

Heard parties.

This criminal revision petition has been filed for setting aside the order dated 10.12.2018 passed by the learned 1st Addl. Sessions Judge, Saran at Chapra in Cr. (Juvenile) Appeal No.80 of 2018 by which he has dismissed the appeal of the petitioner and confirmed the order dated 26.09.2018 passed by Juvenile Justice Board, Chapra in connection with Ekma P.S. Case No.161/2017 corresponding to Juvenile Enquiry No.146/2018 registered under Sections 366 read with 34 of the Indian Penal Code by which opposite party no.2 was declared juvenile.

Prosecution case in brief is that petitioner (informant)



lodged a written complaint giving rise to Ekma P.S. Case No.161/2017 registered under Sections 366/34 of the Indian Penal Code against the persons named in the F.I.R. alleging therein that opposite party no.2 came to the house of the petitioner and enticed away his wife, Moni Kumari. In the F.I.R. age of opposite party no.2 has been shown as 20 years and the victim lady has supported the allegation made in F.I.R. in her statement recorded under Section 164 of Cr.P.C. Opposite party no.2 filed an application before the court to declare him as juvenile as his date of birth in matriculation certificate is recorded as 12.07.2000 and on the date of occurrence, he was below 18 years. Petitioner has submitted before the Juvenile Justice Board that opposite party no.2 is eldest son and younger brother of opposite party no.2 Sonu Mahto. Date of birth is 11.05.1999 as per S.L.C. produced by him as such age of opposite party no.2 should be decided by the Medical Board. It was held by the Juvenile Justice Board that certificate issued by the Bihar School Examination Board of matriculation and provisional certificate and admit card, date of birth of opposite party no.2 is recorded as 12.07.2000, and there is no dispute with regard to genuinity of said certificate as such on the date of occurrence, opposite party no.2 was juvenile whereas S.L.C.



produced by petitioner of younger brother of O.P. No.2 was not authentic and trustworthy. The appeal preferred by petitioner was also considered by the appellate court and it did not find any error with regard to the finding of the Juvenile Justice Board that on the date of occurrence, petitioner was juvenile and dismissed the appeal preferred by the petitioner.

After going through the orders passed by the Juvenile Justice Board and by the appellate court, this court does not find any error in the order passed by the courts below declaring opposite party no.2 as juvenile.

Accordingly, the present criminal revision petition is dismissed.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
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