

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3156 of 2020

Arising Out of PS. Case No.-19 Year-2017 Thana- TEKARI District- Gaya

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BHARAT SHARMA, Son of Late Dev Nandan Sharma, Resident of Mohalla
- Vivekanand Colony, P.S.- Tekari, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raushan Kumar @ Raushan Sharma, Son of Upendra Sharma
3. Vivek Kumar, Son of Birendra Kumar ,
4. Avinash Kumar, Son of Not known to the petitioner, all Resident of Mohalla
- Devgharpur, P.S. - Tekari, District – Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 20-01-2020

The defect no. 6 be ignored for the present.

Heard learned counsel for the parties.

Petitioner is informant of Tekari P.S. Case No. 19 of 2017. The petitioner, in this application, under Section 482 Cr.P.C., has sought for quashment of order dated 03.08.2019 and 27.08.2019 passed by the learned Judicial Magistrate, 1st Class, Gaya.

In the aforesaid case by order dated 03.08.2019, opposite party no. 3 Vivek Kumar and opposite party no. 4 Avinash Kumar, were sent to Juvenile Justice Board for determination of their age as both had claimed to be juvenile on



the date of occurrence on the basis of matriculation certificate. Likewise, by order dated 27.08.2019, opposite party no. 2 Raushan Kumar @ Raushan Sharma was sent to the Juvenile Justice Board for the same purpose.

After hearing learned counsel for the petitioner, I do not find any infirmity with the impugned order because the law is well settled that if an accused raises a plea of juvenility, the same must be determined according to law and the Juvenile Justice Board is competent to take evidence during inquiry for age determination and genuineness of the documents can also be examined thereat.

Hence, this application is dismissed as devoid of any merit.

Petitioner would be at liberty to assist the Juvenile Justice Court in the inquiry to determine the juvenility of the opposite parties aforesaid.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	22.01.2020
Transmission Date	22.01.2020

