

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.827 of 2018**

Arising Out of PS. Case No.-19 Year-1999 Thana- NAUBATPUR District- Patna

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Kumar Krishna Kishore, S/o Tribhuwan Prasad Sharma, resident of Village- Sahar Rampur, P.S.- Naubatpur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Deepak @ Nikku @ Nikki Kumar @ Deepak Kumar Sharma, S/o- Arvind Kumar Sharma, resident of Village- Sahar Rampur, P.S.- Naubatpur, District- Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Rahul Kumar Singh, Advocate Mr. Pramod Kumar Singh, Advocate
For the Respondent/s	:	Mr.Ashok Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

- 3 22-07-2022 Heard learned counsel for the petitioner and Mr. Ashok Kumar Singh, learned A.P.P. for the State.

Petitioner is aggrieved by and dissatisfied with the order dated 25.06.2018 passed by learned Additional Sessions Judge-VII, Danapur, Patna in Miscellaneous Case No. 03 of 2018 arising out of S.Tr. No. 634 of 2009 (Naubatpur P.S. Case No. 19 of 1999) whereby and whereunder the learned trial court has been pleased to hold opposite party no. 2 to be a Juvenile within the meaning of the Juvenile Justice (Care and Protection of Children) Act, 2015 and directed for sending the necessary records to the Juvenile Justice Board, Patna for favour of



disposal.

In course of his submission, learned counsel for the petitioner submits that even though the plea of juvenility has been raised at any stage, in this case the accused had put his signature on the remand order dated 21.03.1999 in which his age was mentioned as 18 years. He has raised the plea of juvenility after about 20 years saying that his date of birth is 15.01.1982.

Learned counsel further submits that to support his plea the petitioner produced the certificate issued by Bihar Secondary School Examination Board, Patna with regard to the supplementary Matriculation Examination 1997 in which the date of birth is 15th January, 1982. It is submitted that the juvenility of the petitioner has been declared on forged documents.

This Court finds from the impugned order that in the learned court below the informant-petitioner did not adduce any evidence to negate the claim of juvenility. The plea of the certificate being forged and fabricated seems to have been taken without there being any basis for the same.

This Court finds that the learned court below has taken into consideration the Bihar Secondary School



Examination Certificate, the Admit Card, the School Leaving Certificate and the Character Certificate issued by Railway Bal Uch Vidyalaya, Khagaul and all these are the documents containing date of birth 15.01.1982. This Court, therefore, finds no reason for the present to interfere with the impugned order.

If the petitioner finds any cogent material to show that the documents produced before the learned court below to support the claim of juvenility were forged and fabricated documents, he may file an appropriate application in the learned court below or before a competent court for appropriate relief.

This application stands disposed of with the aforesaid observations.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

