

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.873 of 2022

Arising Out of PS. Case No.-24 Year-2019 Thana- BAIKUNTHPUR District- Gopalganj

VIKASH KUMAR @ BIKASH KUMAR Son of Late Police Prasad Resident
of Village- Bamo, Ward No.-2, P.S.- Baikunthpur, District- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate
For the Respondent/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 22-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is aggrieved by and dissatisfied with the order dated 23.01.2021 passed in Cr. Appeal No. 3 of 2020 passed by Sri Gunjan Pandey, learned Additional District and Sessions Judge-I, Gopalganj and by the order dated 11.12.2019 passed in J.E. No. 93 of 2019 passed by learned Principal Magistrate, J.J. Board, Gopalganj whereby and whereunder the learned Appellate Court has affirmed the order dated 11.12.2019 by which the petitioner was not declared as juvenile.

3. It appears on perusal of the records that the learned Juvenile Justice Board, Gopalganj having noticed the date of birth of the petitioner being 20.01.2001 recorded in his Matriculation Certificate of the Bihar School Examination



Board declared that the petitioner was not a juvenile on the date of occurrence i.e. 27.01.2019. The order of the learned Juvenile Justice Board, Gopalganj has been upheld in appeal by the learned Additional District and Sessions Judge-I, Gopalganj in Cr. Appeal No. 03 of 2020 arising out of Baikunthpur P.S. Case No. 24 of 2019.

4. Learned counsel for the petitioner submits that at the time of determination of the age of the petitioner before the learned Juvenile Justice Board, Gopalganj, the petitioner had produced a Transfer Certificate on the basis of the date of birth recorded in Class-VIII and according to this certificate, he was less than eighteen years of age on the alleged date of occurrence.

5. Learned counsel submit that neither the learned Juvenile Justice Board, Gopalganj nor the learned Appellate Court considered the Transfer Certificate of Class-VIII. The application filed on behalf of the petitioner for constitution of a Medical Board to ascertain his age on the alleged date of occurrence has been rejected.

6. Learned counsel for the State has opposed this application. It is submitted that the Transfer Certificate in itself cannot be said to be a date of birth certificate issued by the



school. Referring to the scheme of Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015, learned counsel submits that in absence of a date of birth certificate of the school which the petitioner had first attended, the learned court has rightly relied upon the date of birth entered into the Matriculation Certificate issued by the Bihar School Examination Board.

7. Having regard to the materials available on the record, this Court finds substance in the submission of the learned counsel for the State. A Class-VIII Transfer Certificate cannot be said to be a date of birth certificate issued by the School first attended by the petitioner. This Court finds no illegality or infirmity in the order of the learned Juvenile Justice Board, Gopalganj and the learned Appellate Court.

8. This revision application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

