

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.747 of 2019

Arising Out of PS. Case No.-19 Year-2012 Thana- PIRI BAZAR District- Lakhisarai

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BIPIN KUMAR @ BIPIN MANDAL, Son of Shivdani Mandal Resident of
Village- Bodh Nagar, P.S.- Ramgarh Chowk, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar, Advocate
		Mr.Mukesh Kumar, Advocate
For the Respondent/s	:	Mr.Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 06-02-2024 An order dated 1st of May, 2019, passed by the learned

Additional Sessions Judge, Fast Track 1st Court at Lakhisarai in

Sessions Trial No. 1006 of 2013 is under challenge in the instant

Revision.

2. The order dated 1st of May, 2019 passed in above-
mentioned Sessions Trial relates to conformation of juvenility of
accused Bipin Kumar @ Bipin Mandal. It is claimed by the
petitioner that his date of birth on 15th of January, 2000, the
alleged incident took place on 22nd of March, 2012, when he
was aged about 12 years 7 days. In support of his claim, the
petitioner filed a Birth Registrar issued by Pachayat Sachiv,
Garm Pachayat, Nandnawa dated 2nd of March, 2019 and a



transfer certificate issued by D.P.E.P. Prathmik Vidyalay, Billo issued on 13th of December, 2018. It is also on record that in another case being G.R. Case No. 1543 of 2016, the petitioner was held to be a minor on the basis of the certificate issued by the Birth Registrar, Pachayat Sachiv, Garm Pachayat, Nandnawa on 2nd of March, 2019. The learned Trial Judge refused to accept the date of birth of the petitioner as on 15th of January, 2000, because of the fact that in his Aadhar Card, the date of birth of the petitioner is not mentioned. The learned Trial Judge held that the certificates issued by the Pachayat Sachiv, Garm Pachayat, Nandnawa as well as the concerned authority of the school are not contemporary as document. Those documents were created on 2nd of March, 2019 and 13th of December, 2019 i.e., after a considerable period of date of birth of the petitioner.

3. I have heard the learned Advocate for the petitioner.

4. This Court is of the view that when juvenility of an accused is in issue, under the provision of Juvenile Justice (Care and Protection of Children) Act, 2015, no Judicial Authority except the Juvenile Justice Board can adjudicate and ascertain the date of birth of a person. When the issue of date of birth and juvenility was raised by the petitioner in Sessions Trial No. 1006 of 2013, it was the duty of the learned Additional Sessions



Judge Fast Track 1st Court to send the record of the Juvenile Justice Board for determination of the age of the victim. Since the learned Additional Sessions Judge, Fast Track, 1st Court at Lakhisarai had no jurisdiction to determine the age of the juvenile accused, the impugned order is bad in law and liable to be set aside.

5. Accordingly, the order dated 1st of May, 2019, is set aside.

6. The learned Additional Sessions Judge Fast Track, 1st Court, Lakhisarai is directed to sent the case record along with the documents filed by the juvenile to the Juvenile Justice Board. Since the petitioner filed two antedated documents executed on 2nd of March, 2019 and 13th of February, 2018, the Principal Magistrate, Juvenile Justice Board while holding the inquiry of juvenility of the accused shall call for the record on the basis of which the age of the petitioners were recorded and birth certificate was issued by the Birth Registrar Pachayat Sachiv, Garm Pachauat, Nandnawa and D.P.E.P Prathmik Vidyalay, Billo and on careful inquiry, the learned Principal Magistrate, Juvenile Justice Board is directed to take the decision with regard to the date of birth of the petitioner.

7. The instant Revision is accordingly disposed of



with the above direction.

(Bibek Chaudhuri, J)

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