

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.853 of 2024

Arising Out of PS. Case No.-402 Year-2023 Thana- MASHRAK District- Saran

Osama Ansari, Son of Abdul Rahim, Ansari R/O Village- Karn Kudariya,
P.S.- Mashrakh, District- Saran, Under the Guardianship of Elder Brother
Nesar Ansari.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Respondent/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 23-06-2025 This is an application challenging an order passed by the learned Special Judge, Children's Court, Saran at Chapra in Cr. (Juvenile) Appeal No. 09/2024 rejecting the prayer for bail of the juvenile on the ground that social background report and social investigation report do not inspire him to release the juvenile on bail.

2. It is pertinent to mention here that the juvenile prayed for bail on the ground that his date of birth registered in the Register of Births and Deaths by the Department of Planning and Development, Mashrakh Gramin is on 3rd December 2006. The FIR of Mashrak P.S. Case No. 402 of 2023 was registered on 29th July 2023 under Section 302/324 of the IPC. The date of birth of the juvenile was registered after institution of the above-



mentioned case on 22nd December 2023.

3. The Juvenile Justice Board, Saran at Chapra relied on the said date on birth and held the delinquent as juvenile without even considering the fact that the purported birth certificate was obtained after about four months of commission of offence.

4. The learned Principal Judge and the Juvenile Justice Board, Saran at Chapra did not even consider as to whether some other examination is required to ascertain the age of the delinquent at the time of commission of offence. The birth certificate submitted on behalf of the delinquent is *prima facie* a false and concocted document.

5. In view of such circumstances, the finding of the Board as to the age of the victim is considered and set aside at this stage. The Board is directed to take recourse of sub Section 2 of Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015 to ascertain the age of the delinquent forthwith and obtain a report within two months from the date of this order.

6. In view of discrepancy in the age of the victim, I am also not inclined to release the delinquent on bail. Accordingly, the prayer for bail is thus, rejected at this stage.



The application under Section 102 of the JJ Act is thus, disposed
of.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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