

ST 148/2011

CIS 1907/2014

State Versus Rajesh Mahto

Petition dated 09/06/2026 I A. 01/2026

S.N	Date of order	Order with signature	Office notes as to action taken
1	2	3	4
	21/07/2026	1. Sole accused is in attendance. Heard both the sides on the petition dated 09.06.2026. Order 2. Submission of the Learned Counsel of the accused. Conducting the petition, the Learned Counsel Sri Din Bandhu submitted that the accused Rajesh Kumar @ Rajesh Mahto was made accused in this case on the basis of the mobile no. 7209830211. It was submitted that in the course of trial it was came to fore that the petitioner date of birth was 10.02.1994 and the date of alleged incident was 23.09.2010. It was also submitted that the petitioner also submitted the photocopy of the admission register issued by his first attending school. It was further submitted that the petitioner was a juvenile on the date of alleged incident. The learned counsel prayed to send the case record to the learned JJB for further proceeding. 3. Submission by the Prosecution 1. It was submitted by the Learned SPP Sri Lalan Kumar that the petition dated 09.06.2026 filed on behalf of the defence was not maintainable either in law or on facts and the averments made therein were baseless, misconceived, devoid of merit and hence liable to be rejected. It was further submitted that the entire prosecution evidence was already concluded and all the prosecution witnesses had been examined and the case was fixed for recording the statement of the accused u/s 313 Cr.P.C. The learned counsel submitted that the petition was filed only with a view to delay the final hearing and disposal of the case. It was lamented that the defence failed to bring on record any cogent, reliable or legally admissible material in support of the prayer and further that the petition filed by the defence was based upon disputed questions of fact, which could not be adjudicated at this stage. The learned counsel urged that allowing the petition at this stage would cause unnecessary delay in disposal of the case and would adversely affect the fair and expeditious adjudication of the matter. It was prayed to reject the petition. 4. The Law Section 9 of the Juvenile Justice (Care and Protection of Children) Act provides as follows:- Procedure to be followed by a Magistrate who has not been empowered under this Act- (1) When a Magistrate, not empowered to exercise the powers of the Board under this Act is of the opinion that the person alleged to have committed the	

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Continued 21/07/2026	the last row of the register produced. The date of alleged incident according to the FIR is 23.09.2010. Juxtaposing the date of birth the petitioner with that of the date of incident the petitioner appears to be less than 18 years of age on the date of alleged incident. 4. In the above said legal and factual matrix, I find sufficient merit in the accused petition (IA 01/2026) dated 09/06/2026 which is allowed and the entire case record is sent to the Learned Juvenile Justice Board Darbhanga for determination of the age of the accused and further proceedings in accordance with law. 5. The accused is directed to appear before the learned Juvenile Justice Board, Darbhanga on the date fixed without seeking further notice. 6. Fixed 10/08/2026 for appearance of the accused and further proceeding before the Juvenile Justice Board. 7. The office is directed to send the entire record back to the Learned JJB Darbhanga after all due diligence. Written and corrected by me Neeraj Kumar II Additional Sessions Judge I Darbhanga
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