

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 171 of 2024**

Arising Out of PS. Case No.-377 Year-2022 Thana- BIHAR District- Nalanda

Pranav Raj Son of Prabhanshu Kumar @ Prabhanshu Singh @ Bittu Singh through his father and natural guardian namely Prabhanshu Kumar @ Prabhanshu Singh @ Bittu Singh, Son of Sachidanand Sharma, aged About 51 Years, Male, Resident of Village -Gadhpar, P.S.-Bihar, District -Nalanda at Biharsharif.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjiv Kumar Son Of Brijnandan Prasad Resident Of Village- Kagji Mohalla, Biharsarif, P.S.- Bihar, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Arun

For the Respondent/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 20-09-2024

Heard.

2 This revision petition has been preferred by the petitioner (juvenile) against the order passed by the Additional Sessions Judge I -cum- Special Judge (Children Court), Nalanda at Biharsharif in Juvenile Appeal No 6 of 2023 whereby the learned Special Court affirmed the order of JJB, Nalanda at Biharsharif passed in connection with JJB Case No 478 of 2022 arising out of Bihar PS Case No 377 of 2022 for the offence punishable under



Sections 341, 376, 511, 506/34 of the IPC and Sections 8/12 of the POCSO Act.

3 Facts of the case are that initially on the basis of written complaint made by the mother of the victim girl, Bihar PS Case No 377 of 2022 dated 24.05.2022 for the offence punishable under Sections 341, 376, 511, 506/34 of the IPC and Sections 8/12 of the POCSO Act was registered against the petitioner. The petitioner, having come to know about institution of the case, surrendered before the Juvenile Justice Board and bail application was filed by him on 25.06.2022. Subsequently, by order dated 25.07.2022, the petitioner was granted the benefit of bail by the learned JJB.

4 Thereafter, on 07.07.2023, husband of the informant made a written complaint against the petitioner alleging therein that the petitioner sent some objectionable message on G mail account of his wife regarding the victim girl. On the basis of the said complaint, Bihar PS Case No 608 of 2023 dated 10.07.2023 for the offence punishable under Sections 501, 404, 506 of the IPC and Section 67 of the IT Act has been registered. Thereafter, the informant of this second case filed an application for cancellation of the bail of the petitioner which was granted vide order dated 25.07.2022 by the JJB in connection with the Bihar PS Case No



377 of 2022. After hearing both the parties, the learned JJB cancelled the bail of the petitioner vide order dated 22.08.2023 which has also been affirmed by the learned appellate Court vide impugned order dated 02.01.2024. Hence, this revision petition has been filed.

5 It is submitted by the learned counsel for the petitioner that in Bihar PS Case No 377 of 2022, all the seven prosecution witnesses have already been examined and after examination of all the witnesses, the father of the victim girl, with ulterior motive and malafide intention making false allegations against the petitioner, filed the written complaint and second case has been registered against the petitioner being Bihar PS Case No 608 of 2023. According to the counsel, there is no evidence available on record which shows that the objectionable message, which was received by the mother of the victim girl, was sent by the petitioner herein. He further submits that there is also no evidence on record which shows that any certificate under Section 65B of the IT Act has been obtained by the prosecution with regard to the electronic evidence that the petitioner's message was received through G mail. Therefore, no case, as alleged by the prosecution against the petitioner, is made out but without considering the above, the JJB cancelled the bail of the petitioner which has also been affirmed by



the learned appellate Court. Therefore, it is prayed by the learned counsel for the petitioner that both the orders passed by the Courts below may be set aside and bail bonds of the petitioner may be directed to be restored.

6 Learned counsel for the Respondent-State opposes the argument raised by the learned counsel for the petitioner. However, he fairly admitted the fact that as of now there is no evidence available on record which shows that the alleged objectionable message was sent by the present petitioner. He also fairly admitted the fact that a certificate under Section 65B of the IT Act has also not been collected by the prosecution as yet.

7 Considering the submission made by the learned counsel for both the parties and further considering the fact that in the main case, i e, Bihar PS Case No 377 of 2022, all the prosecution witnesses have already been examined and the trial is at its fag end and further considering the fact that as of now there is no material available on record which shows that the alleged objectionable message was sent by the petitioner, both the orders passed by the Courts below are liable to be set aside.

8 Accordingly, the order dated 22.08.2023 passed by the learned JJB and the order dated 02.01.2024 of the appellate Court are set aside.



9 The bail bonds submitted by the petitioner is directed
to be restored.

10 Accordingly, this revision petition is allowed.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.09.2024
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