

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.642 of 2023

Arising Out of PS. Case No.-134 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

ANKIT KUMAR SINGH S/O RAKESH KUMAR SINGH @ RAKESH
SINGH R/v- Bhadwar (Deuara), P.S.- Rohaniya, Block Dhanpalpur, District-
Varansi (U.P.)

... .. Appellant/s

Versus

1. The State of Bihar.
2. SANJAY KUMAR PASI, posted as Police Inspector Cum SHO of
Durgawati P.S., Kaimur at Bhabua Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tribhuwan Narayan
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-08-2023

Re.: I.A. No.1 of 2023

Appellant has filed the aforesaid interlocutory application for condoning the delay of 43 days in preferring this appeal.

2. Heard learned counsel for the appellant and learned Special PP for the State on the aforesaid I.A.

3. Learned counsel for the appellant is directed to make correction in the supplementary affidavit during course of the day.

4. Finding the ground taken by the appellant in the aforesaid I.A. for condoning the delay made in preferring this appeal is sufficient and in the interest of justice, aforesaid delay



in preferring this appeal is hereby condoned and aforesaid I.A. is, accordingly, allowed.

Cr. Appeal (SJ) No.642 of 2023

5. Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

6. As the informant is a Police Inspector – cum -S.H.O. of Durgawati Police Station, hence he is represented by the learned Special Public Prosecutor for the State.

7. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 06.08.2022 passed by learned 1st Additional Sessions Judge cum Special Judge, Kaimur at Bhabhua in connection with Durgawati P.S. Case No. 134 of 2021 registered under Sections 419, 420, 353, 332, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (s) /3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

8. The allegation against the appellant is that he impersonating himself as a senior I.A.S. made call to informant for some work and also abused him by taking his caste name. Other allegations have also been made against him.



9. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case merely on suspicion. As a matter of fact, on 24.08.2018, the appellant had lost his mobile phone bearing mobile no.9454008098 and, thereafter, he had lodged an on-line complain on the same very day and on 24.08.2018 to block his B.S.N.L. mobile SIM. A photocopy of the said report dated 24.08.2018 has been annexed as Annexure-2 to this appeal. It is further submitted that the present F.I.R. has been lodged on 18.06.2021 after much delay of about 3 years. It is further submitted that in between the aforesaid period of about three years, who was using his SIM and in what manner is not known to him. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

10. Learned Spl. PP for the State opposed the prayer for bail.

11. In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of



the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Kaimur at Bhabhua in connection with Durgawati P.S. Case No.134 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

12. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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