

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4365 of 2024

Arising Out of PS. Case No.-58 Year-2023 Thana- SC/ST District- Purnia

Subodh Kumar Gupta @ Subodh Kumar Son of Prem Chand Ray Resident of
Village and P.S. - Amour, District - Purnia, Bihar - 854315

... .. Appellant

Versus

1. The State of Bihar
2. Rekha Devi Wife of Babu Lal Rai Resident of Village - Harerampur, P.S. -
Baisi, District - Purnia

... .. Respondents

Appearance :

For the Appellant	:	Mr .Rajeev Kumar, Advocate
For the Respondent State:		Mr. Sadanand Paswan, Spl. P.P.
For Respondent No.2	:	Mr. Ram Prawesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 13-11-2025 Heard learned Advocate for the appellant, learned
Advocate for respondent no.2 and learned Spl. PP for the State.

2. This appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) is directed against the order dated 02.07.2024 passed by the learned Special Judge SC/ST Act, Purnea, in A.B.P. No.61 of 2024 in connection with SC/ST P.S. Case No. 58 of 2023 registered for the offences punishable under Sections 341, 383, 384, 385, 120(A), 120(B), 420, 469, 470, 471, 504, 506, 34 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(i), (ii), 3(i)(q)



of the SC/ST Act, whereby the prayer for anticipatory bail of the appellant stood rejected.

3. In sum and substance, the allegation against the appellant is of demand of *rangdari* of Rs. One lakh and further abusing respondent No.2 and her husband. It is further alleged that the appellant has also taken Rs.15,000.00 from the husband of respondent No.2 as extortion.

4. Learned Advocate for the appellant submitted that the present case is nothing but instituted in retaliation to an information given by the appellant, who is a News Editor of Hindustan newspaper, to the extent that the husband of respondent No.2 was engaged in realizing money for release of illegal mining of sand loaded trucks; which finally led to institution of the FIR. It is further contended that the occurrence as alleged in the FIR took place on 21.10.2023, but the present FIR came to be registered on 28.12.2023 without there being any explanation for delay. It is further submitted that even if the allegation is taken to be true, no case much less under the penal provisions of the SC/ST Act is made out. All the more, the FIR is malafide in nature. The appellant is a man of fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.



5. On the other hand, learned Spl. PP for the State as well as learned Advocate for respondent no.2 vehemently opposed the prayer of the appellant and submitted that there is specific allegation against the appellant of demand of rangdari and abusing the husband of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record especially the fact that prior to institution of the FIR, the appellant had made a complaint regarding illegal conduct of the husband of the informant; besides the delay in lodging of the FIR and fair antecedents as also the lack of material which attract the penal provision of the SC/ST Act, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Purnia, in connection with SC/ST P.S. Case No. 58 of 2023, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the appellant.

7. The impugned order dated 02.07.2024 is hereby set



aside and the present appeal is allowed.

(Harish Kumar, J)

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