

**IN THE COURT OF DISTRICT AND ADDITIONAL SESSIONS JUDGE-1st-CUM-
SPECIAL JUDGE (SC/ST, CHILDREN & NDPS ACT)
AURANGABAD (BIHAR)**

**Present: Vishwa Vibhuti Gupta, District & Additional Sessions Judge-1st-cum- Special Judge
(SC/ST, CHILDREN & NDPS ACT) Aurangabad, Bihar.**

ANTICIPATORY BAIL APPLICATION NO. 205 OF 2026

Arising out of Rafiganj PS CASE NO: 134/2015

**Bhola Kumar @ Vindhayachal Kumar, aged about 42 years, S/o-Awadhesh Mahto, R/o village-Charkawan
Nichaladih, PS-Rafiganj District-Aurangabad(Bihar)**

-- Petitioner

Versus

State of Bihar

-- Prosecution

Appearance:

Learned Counsel for the accused-petitioner
Learned Counsel for the State

- Shri Baliram Kumar, Ld. Advocate
-Shri Shakti Kumar Singh, Ld. Spl. PP

Order with signature of the Court

**Dated
26.03.2026**

The anticipatory bail preferred under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023 on behalf of the accused-petitioner namely **Bhola Kumar @ Vindhayachal Kumar** is apprehending his arrest in connection with Rafiganj PS Case No. 134/2015 under Sections 341,323,504,506 of the IPC and Sections 3 (i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. A copy of the same has already been given to the Ld. Spl.PP of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Upon being pressed the matter was heard.

The learned counsel for the accused-petitioner, reading out the contents of the F.I.R., has submitted that the petitioner is entirely innocent and he has committed no offence. No any bail petition has been filed on behalf of the accused-petitioner before any Court of law. He further submitted that the petitioner for constructing his house had given money to the informant for purchasing cement and rod but he did not give the same in time to the petitioner as a result of which the occurrence took place between them and the petitioner has falsely been implicated in the case by the informant. It is further submitted that petitioner does private job outside and given the money to the informant to purchase cement and rod. The informant has lodged this case only to grab the money of petitioner. The petitioner has no criminal history. The petitioner is ready to fulfill all the conditions of Section 482(2) of the BNS. Hence, he prayed to enlarge the petitioner on anticipatory bail.

Per-contra, the learned Spl. Public Prosecutor SC/ST has invited the attention of this Court with this case is well under the arena of provisions of SC/ST (POA) Act, 1985 as

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the victim is the member of the community of Scheduled Castes and it is well apparent from the F.I.R. that the petitioner abused the informant by taking caste name. It has been prayed, inviting the attention of the provision of sections 18 and 18 (A) of SC & ST (POA) Act has prayed to refuse the prayer.

After hearing the argument of both the learned counsels and giving due attention to the averment of the parties and from the perusal of the materials available on the case record, it transpires the this case is counter blast one, but I think that this is the age of democracy and equality. No people or community should be today insulted or looked down upon, and nobody's feelings should be hurt. This is also the spirit of our Constitution and is part of its basic features. Hence, in our opinion, the so-called upper castes and OBCs should not use the word 'Harijan' when addressing a member of the Scheduled Caste, even if that person in fact belongs to the 'Harijan' caste, because use of such a word will hurt his feelings. In such a country like ours with so much diversity- so many religions, castes, ethnic and lingual groups, etc.- all communities and groups must be treated with respect, and no one should be looked down upon as an inferior. That is the only way we can keep our country united. In our opinion, calling a member of the Scheduled Caste 'Harijan' with intent to insult or humiliate him in a place within public view is certainly an offence under Section 3 (1) (x) of the Act.

From perusal of the record, it appears that the case was registered against the accused-petitioner in Rafiganj PS Case No. 134/2015 under Sections 341,323,504,506 of the IPC and Sections 3 (i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. He has further attracted towards the fact that anticipatory bail application as per section 18 of the referred Act of the SC/ST has not been made maintainable and in the given facts and circumstances, it is hard to rely on the contention of the learned counsel for the accused-petitioner that no case under a provisions of SC/ST Act appears at this point of time in a state and the accused-petitioner was well aware of the fact that the victim had been of the Scheduled Castes community as embodied 18 and 18 (A) of SC & ST (POA) Act also reveals the fact that if any act is done against the member of Scheduled Castes community to which the accused-petitioner was acquainted of his caste. As such bearing in mind the express embargo by section 18 of the referred Act. This Court is not of

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the view to enlarge the accused-petitioner on anticipatory bail. **Accordingly, the prayer of anticipatory bail of the accused-petitioner namely Bholu Kumar @ Vindhayachal Kumar is hereby refused.**

Dictated & Corrected by me.

(Vishwa Vibhuti Gupta)
District & Additional Sessions Judge-1st-cum-
Special Judge (SC/ST, CHILDREN & NDPS Act)
Aurangabad (Bihar)
Dated: 26.03.2026

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