

**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. 484 OF 2026

Arising out of Fesar PS CASE NO: 11/2026

Sonu Chouhan, aged about 35 years, S/o-Late Sheo Kumar Chouhan, R/o village-Baghoi Kala, PO_ Pokharahan, PS-Fesar District-Aurangabad(Bihar)

-- Petitioner

Versus

State of Bihar

-- Prosecution

Appearance:

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

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

Order with signature of the Court

**Dated
25.03.2026**

The anticipatory bail preferred under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023 on behalf of the accused-petitioner namely **Sonu Chouhan** is apprehending his arrest in connection with Fesar PS Case No. 11/2026 under Sections 126 (2), 115 (2), 351(2),109,352 of the Bhartiya Nyaya Sanhita (BNS), 2023 and Sections 3 (1) (s), 3 (1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The learned counsel for the accused-petitioner, reading out the contents of the F.I.R., has submitted that the petitioner are entirely innocent and he has committed no offence. No any bail petition has been filed on behalf of the accused-petitioners before any Court of law. He further submitted that the there is no iota of the truth in the prosecution story, in fact, at the alleged time of occurrence, the informant Gulabchand Ram, Rambali Ram and Aman Kumar brutally assaulted the petitioner Sonu Chouhan, Shanti Devi, the wife of petitioner and outraged the modesty of Kulwanti Devi. The mother of petitioner is Shanti Devi who had got lacerated injury upon the head, where several stitches were given. Sonu Chouhan also sustained head injury and the wife of Sonu Chouhan also sustained injury on the head by pulling hair. The mother tried to lodge the FIR but got in vain and finally gave her written complaint to the SP, Aurangabad and also through speed post but no FIR was lodged. Subsequently, the mother of petitioner filed complaint case No.77/2026 in which enquiry is being done by Shri Rajeev Kumar, JM, Ist. class, Aurangabad. The injury found upon the injured Rambali Ram, no one has ever touched the person of Rambali Ram. Section

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109 BNS does not apply at all in the case, actually the injured Rambali Ram sustained injury upon his person falling over the Naad. Due to the issuing of entering cock and he into the house of petitioner, the dispute arose so the clashes between the parties took place at the house of the informant not within a public view, so the Sections of SC/ST Act do not apply against the accused-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 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 'Chamar' when addressing a member of the Scheduled Caste, even if that person in fact belongs to the 'Chamar' 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 'Chamar' 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 Fesar PS Case No. 11/2026 under Sections 126 (2), 115 (2), 351(2),109,352 of the Bhartiya Nyaya Sanhita (BNS), 2023 and Sections 3 (1) (s), 3 (1) (r)

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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 the view to enlarge the accused-petitioner on anticipatory bail. **Accordingly, the prayer of anticipatory bail of the accused-petitioner namely Sonu Chouhan 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: 25.03.2026

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