

**IN THE COURT OF DISTRICT AND ADDITIONAL SESSIONS JUDGE-1<sup>st</sup>-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. 529 OF 2026**

**Arising out of Obra PS CASE NO: 350 OF 2023**

**1. Nandkishore Yadav @ Nandkishore Singh, aged about 52 years, S/o-Late Shivdeni Singh**

**2. Ranjit Yadav @ Ranjit Kumar, aged about 23 years, S/o-Nandkishore Singh**

**Both R/o village-Mayapur, PS-Obra District-Aurangabad(Bihar)**

**--Petitioners**

**Versus**

**State of Bihar**

**-- Prosecution**

**Appearance:**

Learned Counsel for the accused-petitioners  
Learned Counsel for the State

- Shri Kamlesh Prasad Singh, Ld. Advocate  
-Shri Shakti Kumar Singh, Ld. Spl. PP

**Order with signature of the Court**

**Dated  
16.03.2026**

The anticipatory bail preferred under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023 on behalf of the accused-petitioners namely **1. Nandkishore Yadav @ Nandkishore Singh and 2. Ranjit Yadav @ Ranjit Kumar** are apprehending their arrest in connection with Obra PS Case No. 350/2023 under Sections 341,323,504/34 of the IPC and Sections 3 (1) (r) (s), 2(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The learned counsel for the accused-petitioners, reading out the contents of the F.I.R., has submitted that the petitioners are entirely innocent and they have 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 petitioners have been falsely implicated in this case by the informant. The IO submitted the charge-sheet in the court finding the the accused-persons innocent in the case. According to the FIR, there is no direct allegation of abuse and thrashed made out against the petitioners. It is further submitted that the cognizance has been taken by this court on 22.02.2024 against the accused-petitioners U/ss-341,323,504/34 of the IPC and Sections 3 (1) (r) (s), 2(va) of the SC/ST Act, wherein the Sections 341,323,504/34 of the IPC areailable in nature save and except Sections 3 (1) (r) (s), 2(va) which is false and concocted as alleged by the informant. The petitioners have no criminal history. The petitioners are ready to fulfill all the conditions of Section 482(2) of the

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BNS. Hence, he prayed to enlarge the petitioners on anticipatory bail.

Pe 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 petitioners 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, 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, ethic 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-petitioners in Obra PS Case No. 350/2023 under Sections 341,323,504/34 of the IPC and Sections 3 (1) (r) (s), 2(va) 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-petitioners that no case under a provisions of SC/ST Act appears at this point of time in a state and the accused-petitioners were 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

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Castes community to which the accused-petitioners were 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-petitioners on anticipatory bail. **Accordingly, the prayer of anticipatory bail of the accused-petitioners namely 1. Nandkishore Yadav @ Nandkishore Singh and 2. Ranjit Yadav @ Ranjit 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: 16.03.2026

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