

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

ANTICIPATORY BAIL APPLICATION NO. 1670 OF 2026
COMPLAINT CASE NO. 15 OF 2022

1. Md. Shabir, aged about 71 years, S/o-Late Rahim Miyan 2. Moshik Miyan @ Md. Masuk, aged about 57 years, S/o-Md. Seraj Miyan 3. Rafique Miyan @ Md. Rafique, aged about 60 years, S/o- Md. Seraj Miyan 4. Taufique Miyan @ Md. Taufique Alam, aged about 30 years, S/o- Rafique Miyan @ Md. Rafique All residents of village-Baturi, PO-Vishambharpur, PS-Kasma District-Aurangabad(Bihar) -- Petitioners Versus Rajo Devi, W/o- Narendra Paswan, Resident of village- Baturi, PO-Vishambharpur, PS-Kasma District-Aurangabad(Bihar) -- Complainant ----- Appearance: <table><tr><td>Learned Counsel for the accused/petitioners</td><td>- Shri Dilip Kumar Singh-1, Ld. Adv.</td></tr><tr><td>Learned Counsel for the Complainant</td><td>-Shri Chandeshwar Paswan, Ld. Adv.</td></tr></table>			Learned Counsel for the accused/petitioners	- Shri Dilip Kumar Singh-1, Ld. Adv.	Learned Counsel for the Complainant	-Shri Chandeshwar Paswan, Ld. Adv.
Learned Counsel for the accused/petitioners	- Shri Dilip Kumar Singh-1, Ld. Adv.					
Learned Counsel for the Complainant	-Shri Chandeshwar Paswan, Ld. Adv.					
Order with signature of the Court						
<u>Dated</u> <u>10.07.2026</u>	The anticipatory bail preferred under Section 482 of the Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023 on behalf of the accused persons/petitioners namely 1. Md. Shabir, 2. Moshik Miyan @ Md. Masuk, 3. Rafique Miyan @ Md. Rafique, and 4. Taufique Miyan @ Md. Taufique Alam are apprehending their arrest in connection with Complaint Case No. 15/2022 under Sections 147,148,341,323, 354, 379 of the IPC and Sections 3 (1) (f)(g)(z) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The learned counsel for the accused persons/petitioners, reading out the contents of the F.I.R., has submitted that the petitioners are entirely innocent and they have committed no offence and no any bail petition has been filed on behalf of the accused persons/petitioners before this Court or any Court of law and there is no criminal history against the accused persons/petitioners. He added that all the alleged sections are bailable in nature save and except Section of SC/ST Act which also does not apply against the petitioners. There is no any independent witness in the complaint case. The is no specific allegation of overt act has been done by the petitioners. there is no chance of tampering of evidence by the petitioners. The petitioners are man of means and there is every and they are ready to furnish sufficient bail bond and sureties and, therefore, it has been prayed to grant anticipatory bail of any amount to the satisfaction of this Court. Per-contra, the learned 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 complainant/victim is the member of the community of Scheduled Castes and it is well apparent from the F.I.R. that the petitioners thrashed and 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					

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**Cont....
10.07.2026**

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 'Dusadh' when addressing a member of the Scheduled Caste, even if that person in fact belongs to the 'Dusadh' 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 'Dusadh' 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 persons/petitioners in Complaint Case No. 15/2022 under Sections 147,148,341,323, 354, 379 of the IPC and Sections 3 (1) (f)(g)(z) 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 persons/petitioners that no case under a provisions of SC/ST Act appears at this point of time in a state and the accused persons/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 Castes community to which the accused persons/petitioners were acquainted of her 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 persons/petitioners on anticipatory bail. **Accordingly, the prayer of anticipatory bail of the accused persons/petitioners namely . Md. Shabir, 2. Moshik Miyan @ Md. Masuk, 3. Rafique Miyan @ Md. Rafique, and 4. Taufique Miyan @ Md. Taufique Alam is hereby refused.**

Dictated & Corrected by me.

(Vishwa Vibhuti Gupta)
District & Additional Sessions Judge-1st-cum-
Special Judge (SC/ST, NDPS & Children Act)
Aurangabad (Bihar)
Dated: 10.07.2026

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