

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.3006 of 2019**

Arising Out of PS. Case No.-8 Year-2019 Thana- SC/ST District- Rohtas

DR. DINESH SHARMA S/o Vishwanath Tripathy R/o- Dhanwantri Hospital,  
Raj Colony, P.S.- Sasaram, District- Rohtas.

... .. Appellant

Versus

1. The State of Bihar
2. Sanjay kumar Surendra Ram R/O village- Dhanuva, P.S.-Shivsagar

... .. Respondents

**Appearance :**

|                      |   |                                                                           |
|----------------------|---|---------------------------------------------------------------------------|
| For the Appellant/s  | : | Mr. Bijay Prakash Singh<br>Mr. Bijay Shankar Choubey<br>Mr. Praveen Kumar |
| For the Respondent/s | : | Mr.Sadanand Paswan                                                        |
| For the Informant    | : | Mr. Sada Nand Roy                                                         |

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

5      16-11-2019                      The appellant has challenged an order dated 28.06.2019 passed in Reg. Case No.23 of 2019 by the learned Additional District and Sessions Judge 1st, Rohtas at Sasaram, whereby the appellant's application for grant of anticipatory bail in connection with Dehri-on-Sone SC/ST P.S. Case No. 08 of 2019, registered for the offence punishable under Sections 323, 341, 380, 406 and 504 of the Indian Penal Code and Section 3(1)(x)(xv) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected. It is evident from the impugned order that the appellant's prayer for anticipatory bail has been rejected on the sole ground of the bar under Section 18 of the Act.



Learned counsel appearing on behalf of the appellant has submitted that the First Information Report arises out of a complaint case, from which it would appear that admittedly the informant was tenant of the appellant. There was dispute between them over the tenancy. The appellant had filed a complaint case against the informant on 22.09.2018, much whereafter the present complaint case was filed on 25.10.2018 out of retaliation. He has submitted that filing of the present criminal case is an abuse of the process of the Court.

The case diary was called for and is available. I have heard learned counsel appearing on behalf of the appellant and learned counsel representing the informant.

It is evident from the materials available on record that dispute in respect of tenancy between the appellant and the informant is the root cause for lodging of the First Information Report. There is allegation in the First Information Report against the appellant of having used abusive language taking caste name of the informant.

Considering the nature of accusation made in the complaint petition, it cannot be said that no offence at all is made out under the provisions of the Act. The impugned order, rejecting the appellant's prayer for anticipatory bail in the light



of bar under Section 18 of the Act, cannot be said to be illegal, requiring this Court's interference in the present appeal.

However, considering the nature of allegation in the First Information Report, this appeal is disposed of with a direction that if the appellant appears before the court below within one month from today and applies for regular bail, his application shall be considered and disposed of on the same day.

**(Chakradhari Sharan Singh, J)**

Pawan/-

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