

IN THE COURT OF ANIL KUMAR, DISTRICT & ADDITIONAL SESSIONS JUDGE-IV,
ROHTAS AT SASARAM
CRIMINAL MISC. NO. 82/2026
Arising out of Sessions Trial Case No. 95/2023
(Sasaram Darigaon P.S. Case No. 183/2022)
CNR NO. BRR0010080252026
STATE THROUGH COURT OF DISTRICT JUDGE-IV, ROHTAS AT SASARAM
VERSUS
RAUSHAN KUMAR, S.P. ROHTAS

ORDER

Dated : 29.09.2026

Brief Facts :

The instant case, against the so-called 'Steel frame' of Sardar Ballabh Bhai Patel is highly unfortunate but become inevitable, the reasons thereof unfold progressively but primarily aimed at restoring the dignity of the District Courts.

This Criminal Misc. case stemmed from Session Trial No. 95/2023, wherein this court convicted the ten kidnappers U/s 364-A I.P.C., even while the victim and his informant-son turned hostile. In the said case, first, this court sought afresh criminal antecedent of the accused from the O.P. Raushan Kumar, the then Superintendent of Police because the court informally came to know that this gang of kidnappers operated earlier in Uttar Pradesh and even after release on bail in this case, they kidnapped a businessman in Varanasi. But, the O.P. did not realize the urgency and submitted the report after a month of the disposal of the case that, too, merely as a formality because his report was just copied from the case diary. No recent criminal antecedent was provided.

During trial of the Session Case, it has come on record that the victim was involved in the business of Ganja (Cannabis) and became 'rags to riches' from that illegal business. Just before the incident of kidnapping, his informant-son won one crore rupees in gambling before the Diwali Puja, which was cited as the immediate reason for his father's kidnapping. It was also pointed out by the investigating officer that informant-son used to run a gambling den. So, in the Judgment of the said Session Case, O.P. was directed to get investigated / inquired and take action against them.

Another direction to O.P. in the said Judgment was to get registered an FIR against the victim for perjury (S. 193 I.P.C.) because it has come to the knowledge of the court informally that the victim was kidnapped for a ransom of Rs. 1.50 crore but turned hostile after taking a bribe of Rs. 20 lakh. District Court enjoys such locational advantage.

The copy of the said judgment was duly sent to the O.P. (S.P. Rohtas) and D.G.P., Bihar (because some observation regarding criminal antecedent, was against the S.P.).

One day, the conducting Additional Public Prosecutor lamented that even after

elapse of a year, the victim is roaming freely and no case has been registered. In fact, he moved an application in this regard. Then, the court issued show-cause notice dated 04.07.2026 to the O.P. on 06.07.2026 to reply within three days. But, he did not reply even after elapse of 10 days. So, the court regretting his apathy and indifference towards the court, recommended disciplinary action against him to the D.G.P., Bihar and Chief Secretary of Bihar on 16.07.2026 and directed them to submit action taken report within 15 days, and also clarified in the order dated 16.07.2026 that if no action is taken by them, the court would be compelled to take action as the court is not toothless. Till date, neither D.G.P. nor Chief Secretary sent even a single chit of paper! This shows the apathy, indifference and respect of the Bihar Administration for the District Court!

As when the court found the whole administration un-responsive, it was compelled to launch a proceeding U/s 384 BNSS (old S. 345 Cr.P.C.) for wilfully disobeying the court orders, lowering the dignity of the court and flouting the majesty of law and thus the Criminal Misc. Petition No. 82/2026 was registered on 17.08.2026.

Evidence Discussion :

After registration of Criminal Misc. Case, notice was issued to the O.P. on 17.08.2026 to appear on 22.08.2026 himself or through his advocate. On 22.08.2026, the D.M., Rohtas, appointed on his request A.P.P., Anil Kumar Singh to represent (O.P.) S.P. before the court. But, G.P. appeared before the court and accepted the mistake of D.M. and the appointment of A.P.P. was withdrawn. Private lawyer appeared and reply dated 20.08.2026 was placed on record, wherein the O.P. took mainly two defence :

- (i) He did not receive the copy of the Judgment dated 28.08.2025 & Sentence dated 30.08.2025.
- (ii) Ld. A.P.P. did not inform him about the Judgment as well as about the show-cause dated 04.07.2026 (issued on 06.07.2026).

It is appropriate to state here that presumption U/s 114(e) and (f) of Evidence Act operate against the O.P. because the Judgment was sent through D.B. No. 216, dated 02.09.2025 to S.P., Rohtas. It is also unfair to shift burden on A.P.P. because the court itself used to send its order to S.P., Rohtas (i.e. O.P.) but he deliberately took no action, which will be discussed later separately.

For his evidence, on his request four (04) dates were given i.e. on 28.08.2026, 07.09.2026, 11.09.2026, 14.09.2026 and 22.09.2026 but he did not appear for his evidence. Rather, he used such time to pressurize the court to drop the proceeding through approaching eminent person. In this sequence, he even approached the then Hon'ble Inspecting Judge, who being overwhelmed, called myself to appear before him in Patna

with records of S. Tr. No. 95/2023 and this Criminal Misc. Case through E-mail dated 24.09.2026 but it was humbly refused to submit before such extra-legal diktat.

As the O.P. did not produce any evidence, the whole case of the court that the O.P. wilfully and deliberately did not comply the order / direction of the court stands / proved.

Antecedent Conduct :

It is not unusual that the courts while deciding the matter, makes comment on the conduct of police officer and recommend action against him. This is called Judicial control over administration. In fact, the District Courts through such observation / recommendation assist the head of the police in the District i.e. Superintendent of Police to discharge better his duty of Superintendence. But, unfortunately, the O.P. sided with 'apparent' dishonest officer and refused to shield his upright officer.

One such instance is that the I.O. of one case frightfully submitted before the court during hearing of a bail petition that he has been abused by one local goon and also substantiated it with audio-recording. The O.P. was sent the bail order narrating the whole episode and recommended to take appropriate action. But, no information till date has been supplied to this court as to what action he has taken. Informally, this court came to know that the I.O. was rebuked for informing the court about this incident.

On the other hand, during hearing of a bail petition, the court came to the conclusion that the S.H.O., Agrer namely, Dharmendra Prasad, had made the case of simple road rage into heinous offence of robbery with hurt and roped in it three persons- two persons having no criminal antecedent. Through, the bail order, this court directed the O.P. to take action against him as it is not the duty of the police to make people criminal. The said S.H.O. has a general bad reputation as confirmed by several police officer but the O.P. did not take any action against him, rather promoted him by making S.H.O. of Dinara like big police station.

Likewise, in Dhaudadh Police Station, the two person were beaten and demanded one lack rupees and when they did not, framed in a case under serious sections. Action, recommended. But, no reporting of any action till date. It is interesting to mention here that the advocate of this bail petition namely, Dharmendra Kumar represents O.P. in this case.

In a case, no coercive order was granted in favour of the accused but I.O. arrested him in the night and beaten him in lock-up and only released after intervention by the A.P.P. Action recommended. No action. Even, to knowledge of this court, no sanction for prosecution has been granted by the S.P. to Ld. Magistrate till date.

In a husband-wife dispute, this court acquitted the husband and when the husband tried re-entry into his house, the wife with the help of S.H.O., Tilauthu captured the house. In this regard, a complaint was given to this court which was forwarded to O.P. but surprisingly he forwarded it to the same S.H.O. for investigation. This raises a question mark on his efficiency!

Such instance has been quoted here only for illustrative purpose to show his callous and indifferent attitude towards the court and also raises serious doubt over his integrity.

Observation :

Above-discussion shows serious flaws in the training of such I.P.S. officer where they should have been imparted training to respect and comply the court orders but they treat the subordinate court as the inferior one.

Even this court has no good experience with IAS officer especially District Magistrate. In Periyamal Case, the Hon'ble Supreme Court directed that execution cases must be disposed of within six months. This court has execution matters pending since 2010. Orders were passed but no action. Show-cause issued. No reply! Cost of Rs. 10,000/- imposed. No response even then, what option left other than attaching the property of the collectariate. Admittedly, it is unfortunate!

This problem is not confined to Bihar only. In an execution matter U/s 174 M.V. Act, Namakkal (Tamilnadu) D.M. was sent several order including show-causes but he did not reply even once. Then, the petitioner was asked to withdraw it and approach Hon'ble Madras High Court under Article 227 of the Constitution of India. He did the same. Unconditional apology of D.M., Namakkal sent to this court.

This, in short, shows serious over-hauling of training system of IAS & IPS officer. Hence, office clerk is directed to send a copy of this order to Ministry of Personnel, and Training of the Central Government so that training system of 'Steel frame' could be attuned to our democratic set-up.

Conclusion :

The O.P. has not only failed to comply the court orders habitually, deliberately and intentionally but also tried to over-awe and over-power the court by approaching several eminent person. His antecedent conduct as well as conduct during trial especially not appearing for his evidence, shows his haughty, arrogant and egoist attitude and thereby deprive him of any sympathy of this court. Even earlier once he was excused Rs. 10,000/- cost for not replying show-cause in relation to non-execution of Distress-warrant and warned to be cautious in future but he did not mend his style of functioning.

Order & Directions :

Thus, in view of the discussion above-made, this court found him guilty of wilful flouting of court orders including the present one and therefore, convicted U/s 384 of BNSS (S. 345 of Cr.P.C.). This court also considers the prayer of his Ld. Counsel of leniency but keeping in mind that such attitude as of the O.P. is contagious which will eventually plague the Superior Courts, and hence, to nip such attitude towards the court in bud, the O.P. is notionally fined only a sum of Rs. 1/- (one rupee only).

The D.M., Rohtas is hereby directed to deduct Rs. 1/- (one rupee only) from his salary with the help of Treasury Officer / DM, Saran (Chhapra) where the O.P. is presently posted and get deposited in Nazarat, Civil Court, Rohtas at Sasaram within fifteen (15) days of this order.

Office clerk is directed to send a copy of this order to D.G.P., Patna to get the same entered into the service record of the O.P. under information to this court preferably within thirty (30) days.

Office clerk is further directed to sent the copy of this order to Chief Minister of Bihar, Chief Secretary of Bihar, S.S.P., Saran at Chhapra and Ministry of Personnel and Training, Government of India for information and needful.

File be consigned to record room after completing all necessary formalities.

(Dictated & corrected by)


(Anil Kumar)
4th Addl. Sessions Judge,
Rohtas at Sasaram
29.09.2026