

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.22151 of 2025**

Arising Out of PS. Case No.-98 Year-2023 Thana- BARH District- Patna

Karnvir Singh Yadav @ Lallu Mukhiya Son of Late Ramvilash Prasad  
Resident of Village - Gulab Bag, P.S.- Barh, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Chitranjan Sinha, Sr. Advocate

Mr.Arun Kumar, Advocate

For the Opposite Party/s : Mr.Ajay Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA  
C.A.V. JUDGMENT**

**Date : 23-04-2025**

Heard Mr. Chitranjan Sinha, learned senior counsel appearing for the petitioner and Mr. Ajay Mishra, learned A.P.P. for the State.

2. The present quashing petition preferred under Section 482 of the Code of Criminal Procedure (in short the "Cr.P.C.") preferred by the petitioner for quashing the order dated 03.03.2025 as passed by learned Additional Chief Judicial Magistrate, Barh, Patna in connection with Barh P.S. Case No. 98 of 2023, by which a direction has been given for issuance of non-bailable warrant against the petitioner.

3. During pendency of the present quashing petition, one interlocutory application bearing I.A. No. 01 of 2025 has



been also filed in the main quashing petition to amend the prayer as to quash the order dated 28.03.2025 also, through which learned Additional Chief Judicial Magistrate, Barh, Patna in connection with aforesaid case on the basis of requisition of the Investigating Officer further directed for issuance of order of proclamation under Section 82 of the Cr.P.C./84 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (in short the "B.N.S.S.").

4. The brief facts of the case as it transpires from the First Information Report (in short the 'I.P.C.')

that present occurrence of murder took place when the informant namely, Kumar Gaurav, resident of village - Dullapur, P.S. - Bind, District - Nalanda, was returning from his motorcycle with his father and sister after giving examination at A.N.S. College, Barh around 1:30 P.M. on 10<sup>th</sup> February, 2023. It appears from the narration of F.I.R. that when they crossed the over bridge of Konhar, then three people sitting on two motorcycles had overtaken them and stopped them by giving hand signals. Consequent upon, his father stopped the motorcycle, the Arun Yadav of the village Gwasa Sheikhpura



pushed their motorcycle, as a result of which his father fell down. It further transpired from the allegation that his grandfather namely, Nageshwar Prasad, son of Haro Yadav was also present there, who ordered to fire, upon which co-accused Bablu Yadav of village - Gulabbagh fired on the chest of his father, as a result of which his father fell down on the ground and died on spot. It is further alleged that in order to save his life, when the informant started to run in backward direction, Sanjay Yadav, son of Mahendra Yadav of village - Mangarchak also fired on him, however, bullet could not hit him. after the occurrence, the accused persons fled away through bypass road on motorcycle. The informant also identified the other persons accompanied the main co-accused persons, who were his uncle Ranjit Yadav and Mauli Yadav having arms in their hands and alleged that they provoked/instigated the aforesaid named main co-accused persons, during the occurrence. It was stated that the present occurrence took place in the background of partition suit which is pending in the district court of Nalanda, which was instituted by his father against his grand-father and brothers



for partition and distribution of ancestral property in accordance with law.

5. On the basis of aforesaid information, a First Information Report bearing Barh P.S. Case No. 98 of 2023 dated 10.02.2023 has been lodged for the alleged offences under Sections 302/120B/34 of the I.P.C. and 27 of the Arms Act.

6. The petitioner was not named in the F.I.R. and his name transpired during course of investigation.

7. Mr. Chitranjan Sinha, learned senior counsel appearing for the petitioner submitted that the implication of petitioner with the present case is a malicious prosecution by the police officials/police administration under the dictates of his political rivals. It is submitted that present is a classical example that how an innocent person can be booked in a criminal case by police administration at the dictates of the political goons, when even after passing substantive period of investigation, the name of petitioner did not surfaced in the present case. The involvement of petitioner was not transpired during the course of investigation, neither he was



named by any members of the family of the informant during investigation. Whereas, all of a sudden, a petition is being filed on 28th February, 2025 by the investigating officer to the effect that the main accused of the present case namely, Bablu Yadav has yet not been arrested in this case and this petitioner is involved in saving the said main accused persons from their arrest. On the basis of aforesaid concocted story as an afterthought, the name of petitioner transpired in the occurrence, whereafter the investigating officer made a requisition before the court below on 24.02.2025 for issuance of non-bailable warrant which was issued on 03.03.2025.

8. It is submitted by Mr. Sinha that anticipatory bail prayer of the petitioner has been rejected by the court below through its order dated 17.03.2025, after which the petitioner moved before the High Court and pressed for his anticipatory bail through Cr. Misc. No. 21173/2025, which is pending before this Hon'ble Court.

9. It is submitted that during the pendency of aforesaid anticipatory bail petition, requisition was made on 28.03.2025 by the I.O. that petitioner evading arrest and,



therefore, order of proclamation is required. Consequent upon, learned trial court vide order dated 28.03.2025 i.e. on the same very day, issued the process of proclamation under Section 82 of the Cr.P.C./84 of the B.N.S.S., which has been pasted at the main gate of the residence of petitioner, which is a joint house, where other family members of the petitioner also reside.

10. It is further submitted by Mr. Sinha that order dated 28.03.2025 was passed by learned trial court in a very mechanical manners. It is pointed out that petitioner is not a escaped convict, proclaimed offender (as on date when the order of proclamation was issued) or a person who is evading arrest.

11. It is submitted by Mr. Sinha that before making prayer for non-bailable warrant and prayer for issuing process of proclamation, it is incumbent upon the investigating authority to show that they had made attempt to track and execute the warrant up to the satisfaction of the court that the petitioner/accused actively evaded such attempts.

12. It is further submitted that the provision of



section 82 of Cr.P.C. (84 of the B.N.S.S.) should be applied if any court has reason to believe that any person against whom a warrant has been issued is absconded or is concealing himself so that such warrant cannot be executed. Such court may publish a written proclamation requiring him to appear at a specified place and specified time not less than 30 days from the date of publishing such proclamation.

13. It is also pointed out that investigating officer failed to disclose the property of the accused persons which has also not been taken care by the learned court below before issuance of proclamation process, therefore, the I.O. concerned committed a serious error as to make prayer for NBW and for issuing process under Section 82 Cr.P.C./84 of the B.N.S.S. against this petitioner without having any supporting material on affidavit.

14. It is further submitted by learned senior counsel that police has ample right to arrest the accused persons in the case instituted for the offences which are cognizable and non-bailable and there is no need for making a prayer for issuance of a non-bailable warrant of arrest. It is submitted



that aforesaid prayer was made when the anticipatory bail petition of petitioner is pending for adjudication before this High Court. The aforesaid prayer of I.O. before the learned trial court is only to deprive the petitioner from his statutory right of anticipatory bail in view of legal ratio as available through legal report of Hon'ble Supreme Court, in the matter of **Srikant Upadhyay and Others Vs. State of Bihar and Anr.** reported in **2024 SCC Online SC 282.**

15. It is also submitted that as per settled legal principles, non-bailable warrant of arrest cannot be issued against the accused persons in aid of investigation. It is submitted that petitioner is an accused in Barh P.S. Case No. 820 of 2024 and Barh P.S. Case No. 831 of 2024 beside the aforesaid case. In this context, it is further submitted that informant retracted his version *qua* involvement of the petitioner through his petition dated 05.03.2025 filed before A.C.J.M. - 1<sup>st</sup>, Barh, Patna.

16. It is submitted by Mr. Sinha, learned senior counsel that petitioner apprehend his false implication out of political rivalry as he contested the election of Member of



Legislative Assembly in the year 2022 as an independent candidate and for that informatory petition under Section 39 of the Cr.P.C. was lodged with A.C.J.M. 1<sup>st</sup>, Barh, Patna numbering 820/2024 on 04.10.2024.

17. While concluding argument, it is submitted by Mr. Sinha that in view of aforesaid facts and circumstances, issuance of impugned order *qua* NBW against petitioner and also for initiation of proclamation proceeding under Section 84 of the B.N.S.S. (82 of the Cr.P.C.) appears bad in the eyes of law and same to be quashed/set-aside.

18. In the aforesaid context, Mr. Sinha, learned senior counsel relied upon the legal report of Hon'ble Supreme Court as available through **Raghuvansh Dewanchand Bhasin Vs. State of Maharashtra and Anr.** reported in **(2012) 9 SCC 791.**

19. At the outset, it is submitted by Mr. Ajay Mishra, learned A.P.P. for the State that petitioner is a man of criminal antecedents and during course of investigation, it transpires that he is the main conspirator, as entire conspiracy *qua* occurrence took place at his petrol pump located in Barh,



Patna. It is further submitted in this context that statement of the informant was also recorded under Section 164 of the Cr.P.C. during investigation. It is further pointed out by Mr. Mishra that there is no time limit of investigation of such a heinous offence. It is submitted that instead of surrendering before the court below as to join the investigation, the petitioner/accused is evading his arrest making police helpless and, therefore, to secure his presence before the court of law, the police rightly prayed for NBW. It is pointed out that for praying proclamation under Section 82 of Cr.P.C., issuance of non-bailable warrant is a pre-condition.

20. It is submitted further by Mr. Sinha that this is a growing trend when petitioner/accused gathered that their anticipatory bail petition is likely to be refused on the ground of maintainability, as proceeding under Section 82 of Cr.P.C. initiated against them, as of present case, they preferred quashing petition under section 482 of Cr.P.C. on vague grounds. It is pointed out that this trend required to be checked for the reason that the relief, which could not prayed directly, cannot be obtained indirectly.



21. While concluding argument, Mr. Mishra, learned A.P.P., submitted that to secure the presence of the accused/petitioner before the court of law, the investigating agency/police took steps for praying NBW and also for initiation of proceeding under section 82 of the Cr.P.C. These are the legal tools, with police to secure the presence of evading accused/petitioner before the court of law and, therefore, same cannot be questioned, however he conceded that serious efforts to nab petitioner appears lacking.

22. It is pointed out that the police can directly prayed for NBW before the court of law, as there is no such bar. Police requisition in itself may be a ground for satisfaction for court concerned for issuing NBW. It is submitted that petitioner through this petition admitted that publication of proclamation already found pasted in the joint house. It is submitted that description of property is not required at this stage, as if petitioner appeared before the court, then, certainly further proceeding under Section 83 of Cr.P.C. would be infructuous. It is submitted that petitioner not appears aggrieved with impugned order, neither both



orders appears illegal, therefore, same should not be quashed by exercising extraordinary power, available under Section 482 of Cr.P.C., which otherwise is to be exercised very sparingly particularly in the heinous offence like murder.

23. It is submitted that the submission as NBW cannot be issued in the aid of investigation is a misconceived submission of Mr. Sinha, learned senior counsel appearing for the petitioner as there is no such legal bar.

24. This petition was pressed with limited prayer challenging issuance of NBW and also initiation of process under Section 82 of the Cr.P.C. *qua* petitioner/accused pending investigation.

25. It would be apposite to reproduce Section 82 of the Cr.P.C./84 of B.N.S.S., which reads as under for ready reference:

**“82. Proclamation for person absconding.—**(1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.  
(2) The proclamation shall be published as follows:—  
(i) (a) it shall be publicly read in some conspicuous place of the town or village in which such person



ordinarily resides;

(b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village;

(c) a copy thereof shall be affixed to some conspicuous part of the Court-house;

(ii) the Court may also, if it thinks fit, direct a copy of the proclamation to be published in a daily newspaper circulating in the place in which such person ordinarily resides.

(3) A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day, in the manner specified in clause (i) of sub-section (2), shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.

(4) Where a proclamation published under sub-section (1) is in respect of a person accused of an offence punishable under section 302, 304, 364, 367, 382, 392, 393, 394, 395, 396, 397, 398, 399, 400, 402, 436, 449, 459 or 460 of the Indian Penal Code (45 of 1860), and such person fails to appear at the specified place and time required by the proclamation, the Court may, after making such inquiry as it thinks fit, pronounce him a proclaimed offender and make a declaration to that effect.

(5) The provisions of sub-sections (2) and (3) shall apply to a declaration made by the Court under sub-section (4) as they apply to the proclamation published under sub-section (1).”

26. It would be apposite to reproduce the police requisition dated **24.02.2025 (Annexure P/6)** and impugned order dated **03.03.2025 (page 48)** of the learned trial court, which reads as under:

**Annexure P/6**

सेवा में,



माननीय अपर मुख्य न्यायिक दण्डाधिकारी महोदय

बाढ़ न्यायालय जिला-पटना

प्रसंग-बाढ़ थाना काण्ड संख्या-98/23 दिनांक-10.02.2023 धारा-302/120बी/34

भा0द0वि0 एवं 27 Arms Act

विषय- काण्ड के अप्राथमिकी अभियुक्त कर्णवीर सिंह यादव पिता रामविलास यादव सा0 गुलाबबाग थाना बाढ़ जिला पटना के विरुद्ध वारंट अधिपत्र निर्गत करने के संबंध में।

महाशय,

उपरोक्त प्रसंगाधीन विषय के सर्दर्भ में निवेदनपूर्वक कहना है कि बाढ़ थाना काण्ड संख्या-98/23 दिनांक-10.02.2023 धारा-302/120बी/34 भा0द0वि0 एवं 27 Arms Act के काण्ड के अप्राथमिकी अभियुक्त कर्णवीर सिंह यादव उर्फ लल्लू मुखिया पिता स्व0 रामविलास यादव सा0 गुलाबबाग थाना बाढ़ जिला पटना गिरपतारी के डर से फिरार चल रहे हैं।

अतः श्रीमान से विनम्र अनुरोध है कि अप्राथमिकी अभियुक्त कर्णवीर सिंह यादव उर्फ लल्लू मुखिया पिता रामविलास यादव सा0 गुलाबबाग थाना-बाढ़ जिला पटना के विरुद्ध वारंट अधिपत्र निर्गत करने की कृपा की जाए।

विश्वासभाजन

24.02.25

पु0अ0नि0

बाढ़ थाना, पटना

**Impugned Order dated 03.03.2025**

**Barh Ps 98/23 (264/23)**

**03.03.25:** इस कांड के अनुसंधान कर्ता द्वारा एक आवेदन पत्र देकर निवेदन करते हैं इस कांड के अप्राथमिकी अभियुक्त कर्णवीर सिंह यादव उर्फ लल्लू मुखिया के विरुद्ध गिरपतारी वारंट निर्गत करने की प्रार्थना करते हैं।

देखा अभिलेख का केश डायरी का अवलोकन किया। अवलोकन से विदित होता है कि अभियुक्त के विरुद्ध प्राथमिकी में लगाए गए धारा 302 भा0द0वि0 एवं 27 शस्त्र आर्गिनियम गम्भीर प्रवृत्ति का तथा केश डायरी के धारा नं0 112 दिनांक 2.1.25 धारा न0 115,116,117,123,131, एवं 138 में अभियुक्त के विरुद्ध पर्याप्त साक्ष्य उपलब्ध है।

अतः प्रार्थना स्वीकार करते हुए उक्त अभियुक्त के विरुद्ध अजमानतीय गिरपतारी वारंट निर्गत करने का आदेश दिया जाता है।

ह0 अस्पष्ट

27. It would further be apposite to reproduce letter dated **28.03.2025 (Annexure P/4)** for initiation of proceeding under Section 82 of the Cr.P.C. and letter dated



**28.03.2025 (Annexure P/10)** for better understanding of  
the fact, which reads as under:

**Annexure P/4**

**28.03.25** इस काण्ड के अनुसंधानकर्ता के द्वारा एक आवेदन पत्र देकर निवेदन करते हैं। इस काण्ड के अभियुक्त कर्णवीर सिंह यादव उर्फ लल्लू मुखिया के विरुद्ध इस्तेहार निर्गत करने की प्रार्थना करते हैं। देखा। प्रार्थना स्वीकार करते हुए उक्त अभियुक्त के विरुद्ध धारा 82 द0प्र0स0 के अन्तर्गत इस्तेहार निर्गत करने का आदेश दिया जाता है।

ह0 अस्पष्ट

**Annexure P/10**

सेवा में,

माननीय अपर मुख्य न्यायिक दण्डाधिकारी महोदय

बाढ़ न्यायालय, जिला-पटना

प्रसंग-बाढ़ थाना काण्ड संख्या-98/23 दिनांक-10.02.2023 धारा-302/120

बी/34 भा0द0वि0 एवं 27 Arms Act

विषय- काण्ड के अप्राथमिकी अभियुक्त कर्णवीर सिंह यादव पिता रामविलास यादव सा0 गुलाबबाग थाना बाढ़ जिला पटना के विरुद्ध इस्तिहार अधिपत्र निर्गत करने के संबंध में।

महाशय,

उपरोक्त प्रसंगाधीन विषय के संदर्भ में निवेदनपूर्वक कहना है कि बाढ़ थाना काण्ड संख्या-98/23 दिनांक-10.02.2023 धारा-302/120बी/34 भा0द0वि0 एवं 27 Arms Act के काण्ड के अप्राथमिकी अभियुक्त कर्णवीर सिंह यादव उर्फ लल्लू मुखिया पिता स्व0 रामविलास यादव सा0 गुलाबबाग थाना बाढ़ जिला पटना वारंट निर्गत होने के बाद अपनी गिरफ्तारी के डर से अपने घर से लगातार फिरार चल रहे हैं। इनकी गिरफ्तारी हेतु इनके विरुद्ध इस्तिहार अधिपत्र निर्गत किए जाने की अति आवश्यकता है।

अतः श्रीमान से विनम्र अनुरोध है कि अप्राथमिकी अभियुक्त कर्णवीर सिंह यादव उर्फ लल्लू मुखिया पिता रामविलास यादव सा0 गुलाबबाग थाना बाढ़ जिला पटना के विरुद्ध इस्तिहार अधिपत्र निर्गत करने की कृपा की जाए।

अनुलग्नक-वारंट अधिपत्र का तामिला प्रतिवेदन।

विश्वासभाजन

**28.03.25**

पु0अ0नि0

बाढ़ थाना, पटना।



28. From perusal of records and the argument as canvassed by learned counsel appearing for the parties, it appears that petitioner/accused was much aware about the proceeding as he prayed for anticipatory bail before the learned trial court and when it was rejected, as discussed aforesaid, the petitioner moved for his anticipatory bail before this Hon'ble Court, which is pending for adjudication as Cr. Misc. No. 21173/2025. Admittedly, process under Section 83 of Cr.P.C. has not been initiated against this petitioner, therefore, the submission, as advanced by Mr. Sinha, learned senior counsel, that description of property was not mentioned by I.O. while praying for publication under Section 82 of the Cr.P.C. appears not convincing at this stage, which was raised as the main objection.

29. From perusal of records and annexures referred aforesaid, it appears that police did not make any serious efforts to nab the petitioner/accused before pressing the prayer of NBW, which can only be pressed when it appears to the investigating agency that despite of serious efforts, the police is not in a position to nab the accused/petitioner as he



is concealing himself, so that warrant cannot be executed.

30. It appears from perusal of aforesaid requisition and order of the court that police is completely silent that what efforts were made by them to nab the petitioner and without making any such effort, simply to satisfy legal formalities, requisitions were made for issuance of NBW and also to initiate process under Section 82 of the Cr.P.C. The facts was also ignored which is to be taken care by the learned trial court.

31. In the aforesaid view of the matter, this Court finds that present petition is devoid of any merit and un-occasioned as same appears a deliberate attempt to save prayer of anticipatory bail pressed by petitioner before this Court, as discussed aforesaid. Certainly, the relief *prima-facie* which cannot be obtained directly, cannot be obtained indirectly also.

32. It appears apposite to reproduce **para 28** of **Raghuvansh Dewanchand Bhasin case (supra)**, which reads as under:

**"28.** However, before parting with the judgment, we feel that in order to prevent such a paradoxical situation, we are faced with in the instant case, and to check or obviate the possibility



of misuse of an arrest warrant, in addition to the statutory and constitutional requirements to which reference has been made above, it would be appropriate to issue the following guidelines to be adopted in all cases where non-bailable warrants are issued by the courts:

**28.1.** All the High Court shall ensure that the subordinate courts use printed and machine numbered Form 2 for issuing warrant of arrest and each such form is duly accounted for;

**28.2.** Before authenticating, the court must ensure that complete particulars of the case are mentioned on the warrant;

**28.3.** The presiding Judge of the Court (or responsible officer specially authorised for the purpose in case of High Courts) issuing the warrant should put his full and legible signatures on the process, also ensuring that Court seal bearing complete particulars of the Court is prominently endorsed thereon;

**28.4.** The court must ensure that warrant is directed to a particular police officer (or authority) and, unless intended to be open-ended, it must be returnable whether executed or unexecuted, on or before the date specified therein;

**28.5.** Every court must maintain a register (in the format given below at p. 804), in which each warrant of arrest issued must be entered chronologically and the serial number of such entry reflected on the top right hand of the process;

**28.6.** No warrant of arrest shall be issued without being entered in the register mentioned above and the court concerned shall periodically check/monitor the same to confirm that every such process is always returned to the court with due report and placed on the record of the case concerned;

**28.7.** A register similar to the one in para 28.5 supra shall be maintained at the police station concerned. The Station House Officer of the police station concerned shall ensure that each warrant of arrest issued by the court, when received is duly entered in the said register and is formally entrusted to a responsible officer for execution;

**28.8.** Ordinarily, the courts should not give a long time for



return or execution of warrants, as experience has shown that warrants are prone to misuse if they remain in control of executing agencies for long;

**28.9.** On the date fixed for the return of the warrant, the court must insist upon a compliance report on the action taken thereon by the Station House Officer of the police station concerned or the officer in charge of the agency concerned;

**28.10.** The report on such warrants must be clear, cogent and legible and duly forwarded by a superior police officer, so as to facilitate fixing of responsibility in case of misuse;

**28.11.** In the event of warrant for execution beyond jurisdiction of the court issuing it, procedure laid down in Sections 78 and 79 of the Code must be strictly and scrupulously followed; and

**28.12.** In the event of cancellation of the arrest warrant by the court, the order cancelling warrant shall be recorded in the case file and the register maintained. A copy thereof shall be sent to the authority concerned, requiring the process to be returned unexecuted forthwith. The date of receipt of the unexecuted warrant will be entered in the aforesaid registers. A copy of such order shall also be supplied to the accused.

### Format of the Register

sl. No.	The number printed on the form used	Case title and particulars	Name and particulars of the person against whom warrant of arrest is issued (accused witness)	The officers/person to whom directed	Date of judicial order directing arrest warrant to be issued	Date of issue	Date of cancellation, if any	Due date of return	Report returned on	The action taken as reported	Remarks
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33. However, before parting with the judgment, it deems necessary to highlight the unprofessional and partisan



conduct of the police in the case at hand. The petitioner is an accused in a heinous case punishable under Section 302 read with Section 120B/34 of the I.P.C. and 27 of the Arms Act. He is man of criminal antecedents. In course of investigation, copious of evidence has surfaced, suggesting complicity of accused/petitioner, but the manner in which the police acted is quite strange as instead of making all out efforts to nab the accused/petitioner, who is wanted in a case of heinous offence like murder, prayer for non-bailable warrant was made before the court below without any serious efforts to arrest the accused/petitioner. The police officials proceeded in a lethargic way by making a prayer for issuance of NBW, which is only a legal pre-condition for initiation of proclamation under section 82 of the Cr.P.C., only to guard its lethargic and un-professional approach, which appears helping petitioner/accused otherwise by giving petitioner/accused an occasion under the law, which does not appear *prima-facie* called for. The manner in which the police officials have made their efforts to arrest the evading accused/petitioner suggest *prima-facie* suspicion regarding their professionalism which



requires an inquiry by none other than Director General of Police, Bihar.

34. Accordingly, Director General of Police, Bihar is directed to enquire personally into the matter and to take overall remedial measures as this trend is appearing growing, where without making any serious effort to arrest an accused/petitioner in heinous offence like present, police straightway approach the court for issuance of NBW. No doubt, the burden of arrest and investigation is upon police, which cannot be diluted merely by fulfilling the legal formalities like compliance of section 82 & 83 of the Cr.P.C. and, thereafter, submission of charge-sheet against accused persons showing them absconder in hurried and mechanical manner.

35. It also appears in recent past that the courts below are issuing NBW and initiation of process under Section 82 of the Cr.P.C. without compliance of **Raghuvansh Dewanchand Bhasin case (supra)**. Compliance of para 28 of **Raghuvansh Dewanchand Bhasin case (supra)**, as discussed aforesaid, appears going down to dust in actual



practice by subordinate courts in recent past.

36. Accordingly, learned Registrar General is directed to circulate this order to all the concerned District Judges for compliance of the aforesaid direction of **Raghuvansh Dewanchand Bhasin case (supra)** as discussed in para-32 of the judgment by trial courts while dealing with such business.

37. Accordingly, this application stands dismissed.

38. Let a copy of this judgment be sent to Director General of Police, Bihar, for its immediate compliance and also to learned Registrar General of this Court for circulation, as discussed above.

**(Chandra Shekhar Jha, J.)**

Rajeev/-

AFR/NAFR	AFR
CAV DATE	10.04.2025
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