IN THE HIGH COURT OF JHARKHAND AT RANCHI
A. B. A. No. 5362 of 2025

Anil Kumar @ Anil Kumar Verma, aged about 35 years, son of late Jagat Verma, resident of Shiv Shakti Colony, Chas, P.O. and P.S. Chas, District-Bokaro ..... … Petitioner

Versus

The State of Jharkhand ..... … Opposite Party

With

A. B. A. No. 5131 of 2025

1. Manish Kumar @ Sonu, aged about 36 years, son of Navin Kumar Singh, resident of Yaduvansh Nagar, Chas, P.O. and P.S. Chas, District-Bokaro
2. Akhilesh Kumar Singh, aged about 41 years, son of Ramayan Singh, resident of Qtr. No. 511, Sector 3/E, P.O. and P.S. BS. City, District-Bokaro

..... … Petitioner

Versus

The State of Jharkhand ..... … Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners :Mr. Rakesh Kumar, Advocate
For the State : Mrs. Lily Sahay, A.P.P.
For the Informant : Mr. Rahul Lamba, Advocate
: Mr. Anish Kamal, Advocate
:Mr. Aditya M. Khandelwal, Advocate

02/ 25.09.2025: Both the anticipatory bail applications are arising out of same F.I.R., hence, both the cases are being heard together with the consent of the parties.

2. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Informant.

3. The petitioners are apprehending their arrest in connection with Chira Chas P.S. Case No. 72 of 2025, for the offence registered under sections 191 (2), 191 (3), 190, 308(4), 324(4), 333, 304, 352, 351(2) of B.N.S, 2023, pending in the court of learned Chief Judicial Magistrate, Bokaro.

4. Mr. Rakesh Kumar, learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. He further submits that there is a land dispute between the parties. He also submits that the petitioners are land owners of the land in question and scuffle took place due to land dispute. He further submits that the mobile tower location of the petitioners and informant were not found at the spot on the date of occurrence. He then submits that in the Circle Office Report the land in question is said to be the petitioners. On these grounds, he submits that the petitioners may kindly be provided privilege of anticipatory bail.

5. Learned counsel for the State opposes the prayer and submits that serious allegation is made against the petitioners of grabbing the land of the informant who is aged about 80 years old. She further submits that petitioners are having criminal antecedent which has come in para 63 of the case diary.

6. Learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that for the land in question earlier the petitioners have interfered in view of that an F.I.R. has been lodged and thereafter the petitioners have been granted bail in that case by order dated 04.03.2025 and thereafter again the petitioners threatened the informant on the gun point to vacate the land and transfer the land in favour of the petitioners. He further submits that informant is aged about 80 years old and petitioners are having criminal antecedent and in view of that the petitioners may not be provided privilege of anticipatory bail.

7. In view of above submissions of the learned counsel for the parties the Court has gone through the materials on record. There is a serious allegation against the petitioners of grabbing the land of the

informant and the petitioners are having criminal antecedent. The informant is aged about 80 years old and allegation is that petitioners have tried to grab the land of the informant and such type of crime is very rampant in the State of Jharkhand.

8. In the attending facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, their prayer for anticipatory bail is hereby rejected. Pending I.A, if any, stands disposed of.

9. When the Court has dictated the above order rejecting the anticipatory bail, the Counsel for the petitioners namely, Rakesh Kumar started arguing in loud speech in presence of the lawyers who are present in the Court and all have witnessed the same. Mr. Rakesh Kumar, Advocate has threatened the Court to pass the order and he will go to the Hon'ble Supreme Court.

10. The Conduct of the petitioners is deprecable which has been witnessed by Mr. A.K. Kashyap, learned senior counsel, Mr. Prabir Kumar Chatterjee, Mrs. Nitu Sinha, Mrs. Nivedita Kundu and several other advocates as well as learned counsel for the informant and State who are present in the Court.

11. In view of above this is a fit case to initiate the criminal contempt proceeding against him.

12. A Single Judge of the High Court has the fullest jurisdiction to initiate proceedings for contempt against a contemner and issue notice therefor. Not only that, the Single Judge is entitled to adjudicate thereon and punish the contemner, if necessary. However, the Contempt Act has not placed any blanket bar on the exercise of the contempt jurisdiction by a

Single Judge altogether. It is not as if hereafter the contempt jurisdiction of the High Court is to be exercised at all stages and in each and every case by a Bench of two or more Judges. A Single Judge has not only the power to initiate proceedings for civil contempt or criminal contempt as the case may be but also to adjudicate thereon and punish for the same. Again, a reference to Section 14 makes it plain that even as far as criminal contempt in *facie curiam* is concerned, the Single Judge is fully entitled not only to initiate the proceedings but under sub-section (1) (d) thereof, he can adjudicate and make such order for the punishment or discharge of such a person as may be just.

13. In the case of ***"P.N. Duda Vs. P. Shiv Shanker & others" reported in (1988) 3 SCC 167*** the Hon'ble Supreme Court considered the observation of Lord Denning in paragraph 15 of the said judgment, which is quoted herein below:-

> *"15. Lord Denning in Regina v. Commissioner of Police of the Metropolis, ex parte Blackburn observed as follows:*
> *"Let me say at once that we will never use this jurisdiction as a means to uphold our own dignity. That must rest on surer foundations. Nor will we use it to suppress those who speak against us. We do not fear criticism, nor do we resent it. For there is something far more important at stake. It is no less than freedom of speech itself.*
> *It is the right of every man, in Parliament or out of it, in the press or over the broadcast, to make fair comment, even outspoken comment, on matters of public interest. Those who comment can deal faithfully with all that is done in a court of justice. They can say that we are mistaken, and our decisions erroneous, whether they are subject to appeal or not. All we would ask is that those who criticise us will remember that, from the nature of our office, we cannot reply to their criticisms We cannot enter into public controversy. Still less into political controversy. We must rely on our conduct itself to be its own vindication.*
> *Exposed as we are to the winds of criticism, nothing which is said by this person or that, nothing which is written by this pen or that, will deter us from doing what we believe is right; nor, I would add, from saying what the occasion requires, provided that it is pertinent to the matter in hand. Silence is not an option when things are ill done."*

14. In the light of above and seeing the conduct of the Advocate-

Mr. Rakesh Kumar, if he will be allowed to go scot free, message will go in the society that any thing can be stopped to be delivered by a Judge for if such type of hooliganism is made in the open Court.

15. It is a case where attempt was made to hinder or obstruct the due administration of justice in Court and such type of interference amounts to scandalizing the Court itself, this scandalizing might manifest itself in various ways but in substance it was an attack on Judge, causing unwarranted and defamatory aspersion. Such conduct must be punished as contempt.

16. The foundation of the judiciary is the trust and the confidence of the people in its ability to deliver fearless and impartial justice. This is not a question of particular Single Judge. This is attack on the entire judiciary by a practising advocate.

17. At this stage, many members of the Bar including President and Secretary of the Advocate Association requested the Court to give one chance to this Advocate and not to initiate criminal contempt case against him and to take a lenient view on this so that he will not do such type of things in future.

18. In that view of the matter and on the request of the Members of the Bar, this Court is not proceeding in criminal contempt so far Mr. Rakesh Kumar-Advocate is concerned. However, his conduct requires to be taken care of by the Jharkhand State Bar Council.

19. As such this matter is being referred to the Chairman, Jharkhand State Bar Council to look into the matter accordingly. Fortunately, seeing the hooliganism made by Mr. Rakesh Kumar, the learned counsel for the petitioners, Mr. Rajendra Krishna, Chairman, Jharkhand State Bar Council

has also come in the Court room and this order is being passed in his presence as well as in presence of President and Secretary of Advocates' Association, Jharkhand High Court and other members of the Bar who have witnessed the incident.

20. The Registry will communicate this order to the Chairman, Jharkhand State Bar Council forthwith.

Dt.25.09.2025 **(Sanjay Kumar Dwivedi, J.)**

*Satyarthi/**A.F.R.***