IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.3139 of 2026
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1. Ramprasad Mandal, S/o Chintamani Mandal, aged about 43 years,
2. Santosh Mandal S/o Chintamani Mandal, aged about 36 years,
3. Mahendra Mandal S/o Chintamani Mandal, aged about 40 years,
4. Ashish Mandal S/o Mahendra Mandal, aged about 24 years,

All are resident of Village Basgohra, P.O. & P.S.-Dumri, District-Giridih.

… Petitioners

Versus

1. The State of Jharkhand
2. Mahesh Mandal, S/o Basudeo Mandal, R/o Village-Basgohra, P.O.-Naitand, P.S.-Dumri, District-Giridih, Jharkhand.

… Opposite Parties

For the Petitioners : Mr. Atma Ram Chaudhary, Advocate
: Mr. Ankur Anand, Advocate
For the State : Mr. Shailesh Kr. Sinha, Addl.P.P.
For the OP 2 : Mr. Pran Pranay, Advocate

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of the BNSS, 2023 with twin prayers, but at the outset, learned counsel for the petitioners submits that

that the petitioners do not press the prayer for quashing the order dated 28.07.2026 passed by the learned Judicial Magistrate-1st Class, Giridih in connection with Dumri P.S. Case No.65 of 2026 and confines his prayer only to quash the order dated 14.09.2026 passed by the learned Judicial Magistrate-1st Class, Giridih in connection with Dumri P.S. Case No.65 of 2026 registered for the offences punishable under Section 103(1), 61(2)(a) & 3(5) of BNS, 2023 whereby and where the learned Judicial Magistrate-1st Class, Giridih has issued proclamation under Section 82 of the Code of Criminal Procedure *inter alia* against the petitioners who are the accused persons of the case; without fixing the time and place for appearance of the petitioners.

3. Accordingly, the order dated 28.07.2026 passed by the learned Judicial Magistrate-1st Class, Giridih in connection with Dumri P.S. Case No.65 of 2026 whereby and whereunder non-bailable warrant of arrest has been issued against the petitioners is rejected as not pressed.

4. It is submitted by the learned counsel for the petitioners that the impugned order is not in accordance with law as the learned Judicial Magistrate-1st Class, Giridih has not fixed the time and place for appearance of the petitioners, hence, it is submitted that the prayer as made in this Criminal Miscellaneous Petition be allowed.

5. Learned Spl. PP and the learned counsel for the opposite party no.2 on the other hand submits that the petitioners who are the accused persons of the case, are expected to appears before the court concerned, during the court hours on any day, after 30 days of the proclamation,

hence, no illegality has been committed by learned Judicial Magistrate-1st Class, Giridih. It is lastly submitted that this Criminal Miscellaneous Petition being without any merit, be dismissed.

6. Having heard the submissions made at the Bar and after going through materials available in the record, it is pertinent to mention here that it is a settled principle of law that the court which decides to issue proclamation under Section 82 of CrPC after being satisfied that the accused persons of the case is absconding or concealing themselves to evade their arrest, then such court must fix time and place for appearance of the accused persons, in respect of whom, the proclamation under Section 82 of CrPC is issued, in the order itself, by which such proclamation is ordered to be issued.

7. Now coming to the facts of the case, the undisputed fact remains that learned Judicial Magistrate-1st Class, Giridih has not mentioned any time or place for appearance of the accused persons of the case, including the petitioners herein. Accordingly, this court has no hesitation in holding that the order dated 14.09.2026 passed by the learned Judicial Magistrate-1st Class, Giridih in connection with Dumri P.S. Case No.65 of 2026 registered for the offences punishable under Section 103(1), 61(2)(a) & 3(5) of BNS, 2023 is not sustainable in law qua the petitioners.

8. Accordingly, the order dated 14.09.2026 passed by the learned Judicial Magistrate-1st Class, Giridih in connection with Dumri P.S. Case No.65 of 2026 registered for the offences punishable under Section 103(1),

61(2)(a) & 3(5) of BNS, 2023, is quashed and set aside *qua* the petitioners only.

9. The learned Judicial Magistrate-1st Class, Giridih may pass a fresh order in accordance with law.

10. In the result, this Cr.M.P. stands allowed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 08th of October, 2026
AFR/ Abhiraj

Uploaded on 09/10/2026