IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 2221 of 2026

Awdhesh Yadav @ Guddu Kumar, aged about 38 years, son of Naresh Yadav, resident of Village-Mahanandpur, P.O. & P.S.-Deepnagar, Dist.-Biharsharif (Nalanda), Bihar

.... Petitioner

Versus

The State of Jharkhand

…. Opp. Party

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

…..

For the Petitioner : Mr. Indrajit Sinha, Advocate
: Mr. Rishav Kumar, Advocate
For the State : Ms. Vandana Bharti, Addl. P.P.

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By the Court:-

1. Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of B.N.S.S., 2023 with the prayer to quash the order dated 31.10.2025 passed by the learned S.D.J.M., Chakradharpur, West Singhbhum whereby non-bailable warrant of arrest has been issued against the petitioner; orders dated 18.12.2025 and 05.02.2026 passed by learned S.D.J.M. Chakradharpur, West Singhbhum and learned A.C.J.M., Chakradharpur respectively whereby the learned Magistrates have issued process under Section 82 and 83 of Cr.P.C. against the petitioner all in connection with Tebo P.S. Case No. 10 of 2025 registered for the offences punishable under Section 64 (1) of B.N.S., 2023.

3. It is submitted by the learned counsel for the petitioner that the allegations against the petitioner are all false. It is next submitted by the learned counsel for the petitioner the said orders were passed erroneously as in the absence of service report of notice, the said orders ought not have been passed. Hence, it is submitted that the prayer as prayed for by the petitioner in this criminal miscellaneous petition be allowed.

4. Learned Addl. P.P. on the other hand vehemently opposes the prayer of the petitioner and submits that there is direct and specific allegation against the petitioner that the petitioner has committed the offence punishable under Section 64 of B.N.S. and he was evading his arrest hence, no illegality has been committed by the learned S.D.J.M., Chakradharpur, West Singhbhum in passing the order dated 31.10.2025 in issuing non-bailable warrant of arrest in connection with Tebo P.S. Case No. 10 of 2025. It is next submitted by the learned Addl. P.P. that in the order dated 18.12.2025 also the learned S.D.J.M., Chakradharpur, West Singhbhum has recorded its satisfaction that the petitioner is absconding and concealing himself to evade his arrest and also fixed the time and place for appearance of the petitioner therefore, there is no illegality in the said order dated 18.12.2025 passed in connection with Tebo P.S. Case No. 10 of 2025 either. So far as the order dated 05.02.2026 is concerned, learned Addl. P.P. submits that the learned A.C.J.M., Chakradharpur after complying with the mandatory requirements of law has ordered for issuance of

the attachment order of the property of the petitioner, therefore, there is no illegality involved in the order dated 05.02.2026 either. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.

5. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that Section 75 of B.N.S.S., 2023 empowers a Magistrate to direct a warrant to any person within his local jurisdiction for arrest *inter alia* if the person is accused of committing non-bailable offence and is evading his arrest.

6. Now coming to the facts of the case, the undisputed fact remains that the petitioner is an accused of the case involving the offence punishable under Section 64 of B.N.S. which is a non-bailable offence. Perusal of the order dated 31.10.2025 reveals that I.O. has categorically stated that he has raided the bus stand at Chaibasa but the accused absconded and after so satisfied from the said report of the police, learned S.D.J.M., Chakradharpur, West Singhbhum has issued non-bailable warrant of arrest against the petitioner. Hence, this Court do not find any illegality in the order dated 31.10.2025 passed by the learned S.D.J.M., Chakradharpur, West Singhbhum in connection with Tebo P.S. Case No. 10 of 2025.

7. So far as the order dated 18.12.2025 is concerned, by that order the learned S.D.J.M., Chakradharpur, West Singhbhum has recorded its satisfaction that the petitioner is absconding and

concealing himself to evade his arrest and after recording such satisfaction has fixed time and place for appearance of the petitioner, in the order itself by which the process under section 82 of the Code of Criminal Procedure, was issued. Therefore, this Court do not find any illegality in the order dated 18.12.2025 passed by the learned S.D.J.M., Chakradharpur, West Singhbhum in connection with Tebo P.S. Case No. 10 of 2025. Hence, the said order also does not suffer from any illegality.

8. So far as the order dated 05.02.2026 is concerned, this Court finds that the learned A.C.J.M., Chadradharpur after receipt of the report of the proclamation of the process under Section 82 of Cr.P.C. and consequent upon non-appearance of the petitioner in the court concerned; on or before the time fixed, at the fixed place, there is justifiable reason to issue order for attachment of the property of the petitioner. Therefore, this Court do not find any illegality in the said order dated 05.02.2026 passed by the learned A.C.J.M., Chakradharpur in connection with Tebo P.S. Case No. 10 of 2025 either.

9. In view of the discussion made above, this Court do not find any illegality in orders impugned in this Criminal Miscellaneous Petition, as already mentioned in the foregoing paragraphs of this judgement, warranting interference of this court in any of the said orders; for quashing of which this criminal miscellaneous petition has been filed.

10. Accordingly, this criminal miscellaneous petition being without any merit is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 27th July, 2026
AFR/Gunjan/-

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