(2026:JHHC:28847)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1830 of 2026

Shital Kumar Gupta @ Shital Saw @ Sheetal Sao, aged about 24 years, son of Arjun Saw, R/o Village Tilra, P.O. & P.S.-Ichak, District-Hazaribagh (Jharkhand).

… Petitioner

Versus

The State of Jharkhand … Opposite Party

For the Petitioner : Mr. K.S. Nanda, Advocate
: Mr. Pradip Kr. Prasad, Advocate
For the State : Mr. P.K. Chatterjee, Spl.P.P.

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

I.A. No.13711 of 2026

Heard the parties.

Learned counsel for the petitioner submits that this interlocutory application has been filed with the prayer for early hearing of the instant Cr.M.P.

Since, the hearing of instant Cr.M.P. is taken up today, hence, this interlocutory application stands disposed of being infructuous.

(Anil Kumar Choudhary, J.)

Cr.M.P. No.1830 of 2026

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 the prayer to quash and set aside the orders dated 18.12.2025 & 16.02.2026

passed by learned Judicial Magistrate-1st Class, Hazaribagh in connection with Ichak P.S. Case No.88 of 2022 whereby and where under the learned Judicial Magistrate-1st Class, Hazaribagh has issued process under Section 82 Cr.P.C. and passed order for attachment of the property under Section 83 of Cr.P.C. respectively; against the petitioner.

3. Learned counsel for the petitioner submits that the petitioner has no knowledge about the registration of the present case nor he has committed any alleged offence and no notice under Section 35(3) of the BNSS, 2023 has been served upon the petitioner. It is next submitted that the petitioner is a brilliant student. It is lastly submitted that the prayer, as prayed for in the instant Cr.M.P, be allowed.

4. Learned Spl.P.P. appearing for the State on the other hand vehemently oppose the prayer of the petitioner made in the instant Cr.M.P and submit that so far as the order dated 18.12.2025 is concerned, the learned Judicial Magistrate-1st Class, Hazaribagh has recorded its satisfaction that the petitioner is absconding and evading his arrest and being thus satisfied issued process under Section 82 of Cr.P.C. and so far as the order dated 16.02.2026 is concerned in the same, the learned Judicial Magistrate-1st Class, Hazaribagh after being satisfied that the petitioner is evading his arrest and has not appeared before the court concerned even after the proclamation under Section 82 of Cr.P.C. was made, issued the attachment order of the property of petitioner under Section 83 of Cr.P.C., hence, no illegality has been committed by the learned Judicial Magistrate-1st Class, Hazaribagh in passing either of the

orders. Therefore, it is submitted that this Cr.M.P., 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, this Court finds that the learned Judicial Magistrate-1st Class, Hazaribagh has not committed any illegality in passing the order dated 18.12.2025 by which process under Section 82 of Cr.P.C. has been ordered to be issued as the learned Judicial Magistrate-1st Class, Hazaribagh after being satisfied from the materials placed before it that the petitioner is absconding has passed order for issuance of the proclamation under Section 82 Cr.P.C. Similarly, this Court also do not find any illegality in the order dated 16.02.2026 passed by the learned Judicial Magistrate-1st Class, Hazaribagh as after failure of the petitioner to appear before the court concerned even after the proclamation under Section 82 of Cr.P.C. was made, so on the basis of the materials, the learned Judicial Magistrate-1st Class, Hazaribagh has directed issuance of the attachment order of the property of the petitioner, therefore, this Court is of the considered view that in the absence of any illegality in either of the orders, hence, there is no justifiable reason to accede to the prayer of the petitioner made in this Cr.M.P.

6. Accordingly, this Cr.M.P., being without any merit, is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 24th of September, 2026
AFR/ Abhiraj

Uploaded on 25/09/2026