IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.2941 of 2026

Saryu Yadav, Son of Nunu Yadav, aged about- 60 years, Resident of- Jamukhandi (Urwan), P.O. and P.S. – Chandwara, District- Koderma, Jharkhand … Petitioner

Versus

The State of Jharkhand ⋯ Opposite Party

For the Petitioner : Mr. Nitin Kr. Pasari, Advocate
Mr. Gaurav Kaushalesh, Advocate
For the State : Mr. Prabir Kr. Chatterjee, Spl.P.P.

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 Bharatiya Nagarik Suraksha Sanhita, 2023 with the prayer to quash the orders dated 21.06.2022 and 16.10.2025 passed by the learned Judicial Magistrate- 1st Class, Hazaribagh in connection with G (F) Case No.35 of 2016 registered for the offences punishable under Sections 09, 26, 29 and 51 of the Wild Life Protection Act, 1972.

3. At the outset, learned counsel for the petitioner submits that the petitioner does not press the prayer to quash the order dated 16.10.2025 passed in the said case.

4. Accordingly, the prayer to quash the order dated 16.10.2025 passed in the said case is rejected as not pressed.

5. So far as the order dated 21.06.2022 passed in the G (F) Case No.35 of 2016 is concerned, learned counsel for the petitioner submits

that by the said order, the learned Judicial Magistrate (In-Charge) Hazaribagh, has passed the order for issuance of the proclamation under Section 82 of Cr.P.C. without recording its satisfaction that the petitioner is absconding and concealing himself to evade his arrest nor fixed any date and time for appearance of the petitioner who is the accused person of the said case. It is next submitted that it is a settled principle of law that the court which issues the proclamation under Section 82 of Cr.P.C., must mention the time and place for appearance of the accused in the order itself by which the proclamation under Section 82 of Cr.P.C. is issued but learned Judicial Magistrate (In-Charge) Hazaribagh has failed to mention the same in its order dated 21.06.2022 passed in the G (F) Case No.35 of 2016, hence, the impugned order dated 21.06.2022 passed by the learned Judicial Magistrate (In-Charge) Hazaribagh in connection with G (F) Case No.35 of 2016, is not sustainable in law. Hence, it is submitted that the same be quashed and set aside.

6. Learned Spl. P. P. appearing for the State on the other hand vehemently opposes the prayer of the petitioner and submits that the very fact that the learned Judicial Magistrate (In-Charge) Hazaribagh has passed order for issuance of the proclamation under Section 82 of Cr.P.C.; goes to show that there were materials available in the record for the learned Judicial Magistrate (In-Charge) Hazaribagh to be satisfied for passing such order. Hence, it is submitted that this Cr.M.P., being without any merit, be dismissed.

7. 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 by now it is a settled principle of law that the court which issues the proclamation under Section 82 of Cr.P.C. must record its satisfaction that the accused in respect of whom the proclamation under Section 82 of Cr.P.C. is made, is absconding or concealing himself to evade his arrest and in case the court decides to issue the proclamation under Section 82 of Cr.P.C., it must mention the time and place for appearance of the accused in the order itself by which the proclamation under Section 82 of Cr.P.C. is issued. As already indicated above since the learned Judicial Magistrate (In-Charge) Hazaribagh has neither recorded its satisfaction that the petitioner is absconding or concealing himself to evade his arrest nor fixed any time or place for appearance of the petitioner, this Court has no hesitation in holding that the learned Judicial Magistrate (In-Charge) Hazaribagh has committed a grave illegality by issuing the said proclamation under Section 82 of Cr.P.C. without complying with the mandatory requirements of law. Hence, the same is not sustainable in law and the continuation of the same will amount to abuse of process of law. Therefore, this is a fit case where the impugned order dated 21.06.2022 passed by the learned Judicial Magistrate (In-Charge) Hazaribagh in connection with G (F) Case No.35 of 2016, be quashed and set aside *qua* the petitioner named above.

8. Accordingly, the impugned order dated 21.06.2022 passed by the learned Judicial Magistrate (In-Charge) Hazaribagh in connection with

G (F) Case No.35 of 2016, is quashed and set aside *qua* the petitioner named above.

9. The learned Judicial Magistrate (In-Charge) Hazaribagh or its successor court may pass a fresh order in accordance with law.

10. This Criminal Miscellaneous Petition, is allowed to the aforesaid extent only.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 23rd of September, 2026
AFR/ Animesh
Uploaded on- 24/09/2026