IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.3133 of 2026

Prayag Narayan Singh, aged about 48 years, son of Bindeshwari Narayan Singh, resident of Deogharbadh, P.O. – Pathradda, P.S. – Sarath, District – Deoghar (Jharkhand).

… Petitioner

Versus

The State of Jharkhand … Opposite Party

For the Petitioner : Mr. Rishi Ranjan Vats, Advocate
Mr. Abhinay Kumar, Advocate
For the State : Mrs. Vandana Bharti, Addl.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 twin prayers i.e. to quash the orders dated 03.02.2018 and 14.05.2018 both passed by the learned Judicial Magistrate-1st Class, Dumka in connection with G.R. Case No. 325 of 2014 arising out of Jama P.S. Case No. 27 of 2014 by which the learned Judicial Magistrate-1st Class, Dumka respectively issued the proclamation under Section 82 of the Code of Criminal Procedure and the attachment order of the property under Section 83 of the Code of Criminal Procedure.

3. At the outset, the learned counsel for the petitioner submits that as yet no property of the petitioner has been attached in compliance of the said order dated 14.05.2018. Hence, the petitioner does not press

the prayer to quash the order dated 14.05.2018 passed by the learned Judicial Magistrate-1st Class, Dumka in the said case.

4. Accordingly, the prayer to quash the order dated 14.05.2018 passed by the learned Judicial Magistrate-1st Class, Dumka in the said case, is rejected as not pressed.

5. So far as the order dated 03.02.2018 passed by the learned Judicial Magistrate-1st Class, Dumka in connection with G.R. Case No. 325 of 2014 arising out of Jama P.S. Case No. 27 of 2014 is concerned, it is submitted by the learned counsel for the petitioner that the learned Judicial Magistrate-1st Class, Dumka without recording any satisfaction that the petitioner who is the accused person of the case, is absconding or concealing himself to evade his arrest, has issued the process under Section 82 of the Code of Criminal Procedure; without fixing any time or place for appearance of the petitioner who is the accused person of the case. It is next submitted that the said order is not in accordance with law. Hence, it is submitted that the order dated 03.02.2018 passed by the learned Judicial Magistrate-1st Class, Dumka in the said case, be quashed and set aside.

6. Learned Addl.P.P. appearing for the State on the other hand vehemently opposes the prayer of the petitioner made in this Criminal Miscellaneous Petition and submits the very fact that the learned Judicial Magistrate-1st Class, Dumka has issued the process under Section 82 of the Code of Criminal Procedure, goes to show that there were sufficient materials in the record for the learned Judicial Magistrate-1st Class, Dumka to be satisfied that the petitioner is

absconding or concealing himself to evade his arrest. Hence, it is submitted that this Criminal Miscellaneous Petition, 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 the Code of Criminal Procedure, must record its satisfaction that the accused in respect of whom the proclamation under Section 82 of the Code of Criminal Procedure 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 the Code of Criminal Procedure, it must specifically mention the time and place for appearance of the accused person of the case in respect of whom the proclamation under Section 82 of the Code of Criminal Procedure is issued, in the order itself by which the said proclamation is issued.

8. As already indicated above, since the learned Judicial Magistrate-1st Class, Dumka 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 who is the accused person of the case. Hence, this Court has no hesitation in holding that the learned Judicial Magistrate-1st Class, Dumka has committed illegality by issuing the said proclamation under Section 82 of the Code of Criminal Procedure without complying with the mandatory requirements of law. Therefore, the same is not sustainable

in law and the continuation of the same will amount to abuse of process of law. Hence, this is a fit case where the order dated 03.02.2018 passed by the learned Judicial Magistrate-1st Class, Dumka in connection with G.R. Case No. 325 of 2014 arising out of Jama P.S. Case No. 27 of 2014, be quashed and set aside.

9. Accordingly, the order dated 03.02.2018 passed by the learned Judicial Magistrate-1st Class, Dumka in connection with G.R. Case No. 325 of 2014 arising out of Jama P.S. Case No. 27 of 2014, is quashed and set aside.

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

11. In the result, this Criminal Miscellaneous Petition is allowed to the aforesaid extent only.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 06th of October, 2026
AFR/ Saroj

Uploaded on 08/10/2026