**( 2026:JHHC:28161 )**

# IN THE HIGH COURT OF JHARKHAND AT RANCHI
## Cr.M.P. No.16 of 2026

**------**

1. Dayawati Kumari @ Dayawati Kumari, aged about 48 years, wife of Akhileshwar Mehta, Resident of Village-Sudna, near Railway Crossing, P.O.-Sudna, P.S.-Daltonganj (Town), Dist.-Palamau (Jharkhand).
2. Akhileshwar Mehta, aged about 58 years, son of Karamchand Mahto, Resident of Village-Sudna, near Railway Crossing, P.O.-Sudna, P.S.-Daltonganj (Town), Dist.-Palamau (Jharkhand).

… Petitioners

***Versus***

The State of Jharkhand … Opposite Party

**------**

For the Petitioners : Mr. Arun Kumar, Advocate
For the State : Mr. Sunil Kr. Dubey, Addl.P.P.(VC)

**------**

**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 the prayer to quash and set aside the order dated 19.08.2025 passed by the learned Chief Judicial Magistrate, Palamau at Daltonganj in connection with Daltonganj (Town) P.S. Case No.48 of 2020 arising out of Complaint Case No.28 of 2020 so far it relates to the petitioners whereby and whereunder the learned Chief Judicial Magistrate, Palamau at Daltonganj has issued non-bailable warrant of arrest against the petitioner no.1 who is the informant/complainant and petitioner no.2 who is the husband of

the informant/complainant in a mechanical manner acting upon the requisition of the IO of the case wherein he has categorically stated that *inter alia* the petitioners whose names appears at serial no.4 & 5 are the named accused persons of the case.

3. Perusal of the record reveals that the petitioners are not the named accused persons of the case and the investigation of the case is still going on and charge sheet has not yet been submitted in this case. There is no material in the record to suggest that how the petitioners have been arrayed as accused persons.

4. Under such circumstances, this Court is of the considered view that the learned Chief Judicial Magistrate, Palamau at Daltonganj has committed a grave illegality by not verifying as to whether the petitioners are the named accused persons of the case; as claimed by the IO of the case, but still has ordered for issuance of non-bailable warrant of arrest *inter alia* against the petitioners without application of mind, hence, the order dated 19.08.2025 passed by the learned Chief Judicial Magistrate, Palamau at Daltonganj in connection with Daltonganj (Town) P.S. Case No.48 of 2020 arising out of Complaint Case No.28 of 2020 so far it relates to the petitioners is quashed and set aside.

5. In the result, this Cr.M.P., is allowed to the aforesaid extent only.

**(Anil Kumar Choudhary, J.)**

High Court of Jharkhand, Ranchi
Dated the 16th of September, 2026
AFR/ Abhiraj

Uploaded on 21/09/2026