IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 1639 of 2026

1. Amar Chouhan @ Amar Kumar Nonia, aged about 26 years, son of Dinanath Nonia, resident of Village-B.N.R. Kali Mandir Alkusa, P.O.-Kusunda, P.S.-Kenduadih, Dist.-Dhanbad (Jharkhand)
2. Lakhan Chouhan @ Lakhan Kumar, aged about 33 years, son of Ganga Prasad Nonia, resident of Kustore 10 No. B.N.R. Nepali Dhoura, Amlabad, P.O.-Kusunda, P.S.-Kenduadih, Dist.-Dhanbad (Jharkhand)

.... Petitioners

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. Praveen Shankar Prasad, Advocate
: Mr. Lukesh Kumar, Advocate
: Mr. Sidharth Sudhanshu, Advocate
For the State : Mr. Pankaj Kumar, P.P.
: Ms. Malsi Pathak, AC to 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 Bharatiya Nagarik Suraksha Sanhita, 2023 with the prayer to quash the order dated 17.01.2025 passed by the learned Judicial Magistrate 1st Class, Dhanbad in connection with Kenduadih P.S. Case No. 52 of 2023, corresponding to G.R. No. 2438 of 2023, whereby and where under, the learned Judicial Magistrate 1st Class, Dhanbad has rejected the prayer for release of the cash security amount of

Rs.20,000/- each deposited by the petitioners in connection with Kenduadih P.S. Case No. 52 of 2023, corresponding to G.R. No. 2438 of 2023 on the ground that there is no such direction for release of the cash security amount by this Court.

3. The brief fact of the case is that the petitioners were given the privilege of anticipatory bail vide order dated 11.10.2023 in A.B.A. No. 8009 of 2023 subject to the condition of depositing Rs.20,000/- each as cash security. Consequently, the petitioners were released on bail after depositing the said cash security.

4. It is submitted by the learned counsel for the petitioners that vide judgment dated 17.01.2025 passed by the learned Judicial Magistrate 1st Class, Dhanbad, the petitioners have been acquitted and they are discharged from their liabilities of their bail bonds along with their bailors but still the learned Judicial Magistrate 1st Class, Dhanbad did not release the cash security amount which is not sustainable in law. Hence, it is submitted that the prayer as prayed for by the petitioners in this criminal miscellaneous petition be allowed.

5. Learned Public Prosecutor on the other hand opposes the prayer of the petitioners made in this criminal miscellaneous petition and submits that no illegality has been committed by the learned Judicial Magistrate 1st Class, Dhanbad. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.

6. 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 the condition of depositing cash security was for the purpose of ensuring attendance of the petitioners during the trial and stands in the same footing as that of submitting the bail bond and furnishing solvent surety. It is strange that though without any direction of this Court, the learned Judicial Magistrate 1st Class, Dhanbad has rightly discharged the petitioners of their liabilities of their bail bond as also discharged their bailors but when it comes to release of the cash security amount, learned Judicial Magistrate 1st Class, Dhanbad has not allowed the same even though undisputedly the petitioners have been acquitted in that case.

7. It is also pertinent to mention here that since the petitioners have already discharged of the liabilities of their bail bond, there is no rhyme or reason for the learned Judicial Magistrate 1st Class, Dhanbad to refuse release of the cash security amount deposited as a condition of bail when admittedly, the petitioners have been acquitted in the case concerned. Hence, this Court is of the considered view that the impugned order dated 17.01.2025 passed by the learned Judicial Magistrate 1st Class, Dhanbad in connection with Kenduadih P.S. Case No. 52 of 2023, corresponding to G.R. No. 2438 of 2023 is not sustainable in law.

8. Accordingly, the impugned order dated 17.01.2025 passed by the learned Judicial Magistrate 1st Class, Dhanbad in connection with

Kenduadih P.S. Case No. 52 of 2023, corresponding to G.R. No. 2438 of 2023 is quashed and set aside.

9. The learned Judicial Magistrate 1st Class, Dhanbad is directed to pass appropriate order for release of the cash security amount of Rs.20,000/- each deposited by the petitioners in connection with Kenduadih P.S. Case No. 52 of 2023, corresponding to G.R. No. 2438 of 2023 in favour of the petitioners forthwith.

10. In the result, this criminal miscellaneous petition is allowed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 16th June, 2026
AFR/Gunjan/-

Uploaded on 17/06/2026