

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 102 of 2026**

Baijnath Chauhan, aged about 60 years, son of Madho Chauhan, resident of Tetulmari Bhuli Road, Gupta Drug Store Gali, P.O. & P.S.- Tetulmari, Dist.-Dhanbad, State-Jharkhand

.... Petitioner

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. Rohan Mazumdar, Advocate
: Mrs. Jasvindar Mazumdar, Advocate
For the State : Mrs. Kumari Rashmi, Addl. 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 B.N.S.S., 2023 with several prayers but the learned counsel for the petitioner abandons all other prayers and confines his prayer only to quash the order dated 02.01.2026 passed by the learned Judicial Magistrate 1st Class, Dhanbad in connection with Tetulmari P.S. Case No. 68 of 2025 by which the learned Judicial Magistrate 1st Class, Dhanbad has directed for issue of the process under Section 82 of Cr.P.C. without fixing time and place for appearance of the accused person of the case who is the petitioner herein.

3. Accordingly, the prayer to quash the order dated 01.12.2025 passed by the learned Judicial Magistrate 1st Class, Dhanbad in connection with Tetulmari P.S. Case No. 68 of 2025 is rejected as not pressed.
4. It is submitted by the learned counsel for the petitioner that since the learned Magistrate has not mentioned the time and place for appearance of the petitioner who is the accused person of the case for his appearance in the impugned order, hence, the impugned order dated 02.01.2026 passed by the learned Judicial Magistrate 1st Class, Dhanbad in connection with Tetulmari P.S. Case No. 68 of 2025 is not sustainable in law being not in accordance with law. Hence, it is submitted that the prayer as made in this criminal miscellaneous petition be allowed.
5. Learned Additional Public Prosecutor on the other hand opposes the prayer and submits that the petitioner who is the accused person of the case was expected to appear before the court concerned during the court hours after 30 days of the proclamation. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.
6. Having heard the submissions made at the Bar and after going through the materials in the record, it is pertinent to mention here that if the Magistrate after being satisfied that any accused person is absconding or concealing himself to evade his arrest decides to issue the proclamation under Section 82 of Cr.P.C., it must mention the time and place for appearance of the accused person concerned in the order itself by which such proclamation is directed to be issued.
7. Now coming to the facts of the case, the undisputed fact remains that the learned Judicial Magistrate 1st Class, Dhanbad has not 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 impugned order dated 02.01.2026 passed by the learned Judicial Magistrate 1st Class, Dhanbad in connection with Tetulmari P.S. Case No. 68 of 2025 is not sustainable in law being not in accordance with law and continuation of the same will amount to abuse of process of law and this is a fit case where the order dated 02.01.2026 passed by the learned Judicial Magistrate 1st Class, Dhanbad in connection with Tetulmari P.S. Case No. 68 of 2025 be quashed and set aside.

8. Accordingly, the order dated 02.01.2026 passed by the learned Judicial Magistrate 1st Class, Dhanbad in connection with Tetulmari P.S. Case No. 68 of 2025, is quashed and set aside.
9. The learned Judicial Magistrate 1st Class, Dhanbad may pass a fresh order in accordance with law.
10. In the result, this criminal miscellaneous petition is allowed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 27th January, 2026
AFR/Sonu-Gunjan/-

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