

**IN THE HIGH COURT OF JHARKHAND AT RANCHI  
Cr.M.P. No.804 of 2026**

-----  
Guddu Yadav @ Amit @ Amit Ji @ Vikrant Kumar Singh Yadav,  
aged about 45 years, son of Preman Yadav @ Ram Pravesh Yadav @  
Ramprem Yadav, resident of Andharibagkala @ Andharibag, P.O.  
Pipra, P.S. Hariharganj, Dist. Palamau

... Petitioner

*Versus*

The State of Jharkhand ... Opposite Party

-----  
For the Petitioner : Mr. Ramesh Kumar, Advocate

Mr. Rajesh Kumar, Advocate

For the State : Mr. Abhay Kr. Tiwari, 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 B.N.S.S., 2023 with twin prayers but at the outset, learned counsel for the petitioner submits that the petitioner does not press the prayer to quash the order dated 30.06.2006 passed by the learned Chief Judicial Magistrate, Palamau in connection with Hariharganj P.S. Case No. 82 of 2005 corresponding to G.R. Case No. 1710 of 2005 whereby and where under the order of attachment has been issued against the petitioner by the learned Chief Judicial Magistrate, Palamau since as yet, no property of the petitioner has been attached. Learned counsel for the petitioner confines his prayer only to quash the order 12.04.2006 passed by the learned Chief Judicial

Magistrate, Palamau in connection with the said case whereby and where under the proclamation under Section 82 of the Code of Criminal Procedure has been issued by the learned Chief Judicial Magistrate, Palamau against the petitioner.

3. Accordingly, the prayer to quash the order dated 30.06.2006 passed by the learned Chief Judicial Magistrate, Palamau in connection with Hariharganj P.S. Case No. 82 of 2005 corresponding to G.R. Case No. 1710 of 2005, is rejected as not pressed.

4. So far as the order 12.04.2006 passed by the learned Chief Judicial Magistrate, Palamau in connection with the said case is concerned, the learned counsel for the petitioner submits that the proclamation under Section 82 of the Code of Criminal Procedure has been issued vide order dated 12.04.2006 without following the due process of law and without fixing any time and place for appearance of the petitioner, who is one of the accused persons of the said case. Hence, it is submitted that the prayer to quash the order 12.04.2006 passed by the learned Chief Judicial Magistrate, Palamau in connection with the said case, be allowed.

5. Learned Addl.P.P. appearing for the State vehemently opposes the prayer for quashing the order 12.04.2006 passed by the learned Chief Judicial Magistrate, Palamau in connection with the said case and submits that since the petitioner was expected to appear before the court concerned after 30 days of the proclamation being made under Section 82 of the Code of Criminal Procedure, hence, no illegality has been committed by the learned Chief Judicial Magistrate, Palamau in issuing

such proclamation. It is lastly 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 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 mention the time and place for appearance of the petitioner in the order itself by which the proclamation under Section 82 of the Code of Criminal Procedure is issued.

7. As already indicated above since the learned Chief Judicial Magistrate, Palamau 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 Chief Judicial Magistrate, Palamau 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. 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 order dated 12.04.2006 passed by the

learned Chief Judicial Magistrate, Palamau in connection with Hariharganj P.S. Case No. 82 of 2005 corresponding to G.R. Case No. 1710 of 2005, be quashed and set aside against the petitioner named above.

8. Accordingly, the order dated 12.04.2006 passed by the learned Chief Judicial Magistrate, Palamau in connection with Hariharganj P.S. Case No. 82 of 2005 corresponding to G.R. Case No. 1710 of 2005, is quashed and set aside against the petitioner named above.

9. The learned Chief Judicial Magistrate, Palamau may pass a fresh order in accordance with law.

10. 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 01<sup>st</sup> of April, 2026  
AFR/ Saroj

Uploaded on 02/04/2026