

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 335 of 2026

Rajesh Chauhan @ Rajesh Prasad @ Rajesh Chouhan, aged about 38 years, son of Mithailal Chouhan @ Surendra Chouhan, resident of Godhar Durga Mandir, Godhar Basti, Kusunda, P.O. & P.S.-Kusunda, 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	: Mrs. Jasvindar Mazumdar, Advocate
	: Mr. Rohan Mazumdar, Advocate
For the State	: Mr. Pankaj Kumar, P.P.

.....

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 twin prayers i.e. to quash the orders dated 01.07.2024 and 26.11.2025 passed by the learned Chief Judicial Magistrate, Dhanbad in connection with Saraidhela P.S. Case No. 28 of 2023, whereby and where under, respectively proclamation under Section 82 of Cr.P.C. and the attachment order of the property of the petitioner under Section 83 of Cr.P.C. have been issued.
3. It is submitted by the learned counsel for the petitioner that the petitioner is innocent and the learned court below has not

recorded the subjective satisfaction for passing the impugned orders. Hence, it is submitted that prayer as made in this criminal miscellaneous petition be allowed.

4. Learned Public Prosecutor on the other hand opposes the prayer and submits that the learned Chief Judicial Magistrate, Dhanbad in the order dated 01.07.2024 has recorded its satisfaction that the petitioner is absconding and concealing himself to evade his arrest and fixed time and place for appearance of the petitioner who is the accused person of the case and vide order dated 01.07.2024 has ordered for issuance of the proclamation; as consequent upon the proclamation under Section 82 of Cr.P.C. being made, the petitioner did not appear before the court concerned hence, the order of attachment of the petitioner has been passed vide impugned order dated 26.11.2025 in the said case. Hence, it is submitted that there being no illegality in the impugned order, this criminal miscellaneous petition being without any merit be dismissed.

5. Having heard the submissions made at the Bar and after going through the materials in the record, it is crystal clear that the learned Chief Judicial Magistrate, Dhanbad has in the order dated 01.07.2024 in categorical terms recorded its satisfaction that the petitioner is absconding and concealing himself to evade his arrest and after being so satisfied has ordered for issuance of the proclamation under Section 82 of Cr.P.C. and vide order dated 01.07.2024 in the said case fixed the time and place for appearance of the petitioner and as consequent upon the proclamation being

made, the petitioner did not appear before the court concerned as stipulated in the said proclamation, vide order dated 26.11.2025 has ordered for attachment of the property of the petitioner.

6. After going through the impugned order, this Court do not find any illegality in the orders concerned and there is no justifiable reason to accede to the prayer of the petitioner in exercise of the power under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
7. Accordingly, this criminal miscellaneous petition being without any merit is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 12th February, 2026
AFR/Sonu-Gunjan/-

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