

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.700 of 2026**

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1. Bijay Pandey @ Bijay Kumar Pandey, Narayan Kumar Gupta, aged about 59 years, Son of Late Ram Ekbal Pandey.
 2. Meena Devi, aged about 56 years, Wife of Bijay Pandey @ Bijay Kumar Pandey.

Both are resident of Qr. No.DK4-145, P.O. + P.S.- Sindri,
District- Dhanbad ... Petitioners

Versus

The State of Jharkhand ... Opposite Party

For the Petitioners : Mr. Peeyush Krishna Choudhary, Advocate
For the State : Mr. Subodh Kr. Dubey, 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 Bharatiya Nagarik Suraksha Sanhita, 2023 with the prayer to quash the order dated 18.02.2025 passed by the learned Judicial Magistrate-1st Class, Dhanbad in connection with Sindri P.S. Case No.103 of 2023 whereby and where under the learned Judicial Magistrate has ordered for issuance of non-bailable warrant of arrest against the petitioner.

3. The brief fact of the case is that the petitioners are the accused persons of the said case involving the offences punishable under Sections 498A, 302, 323, 504, 506 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. On 18.02.2025, a petition was filed

before the learned Judicial Magistrate-1st Class, Dhanbad in connection with the said Sindri P.S. Case No.103 of 2023 with the prayer to issue non-bailable warrant of arrest against the petitioners who are the accused persons of the said case. It was brought to the notice of the learned Magistrate that though police raided the house of the petitioners on eight different dates, the details of which has been mentioned in the order dated 18.02.2025 passed by the learned Judicial Magistrate-1st Class, Dhanbad, but they could not be arrested as they were evading their arrest. On thus being satisfied that the petitioners are accused of committing non-bailable offence and are evading his arrest, the learned Judicial Magistrate-1st Class, Dhanbad issued non-bailable warrant of arrest *inter alia* against the petitioners as well as the accused persons.

4. Learned counsel for the petitioners submits that the allegation against the petitioners is false. The petitioners are unnecessarily being dragged in this case. Hence, it is submitted that the prayer, as prayed for in the instant Cr.M.P., be allowed.

5. Learned Addl. P. P. appearing for the State on the other hand vehemently oppose the prayer of the petitioners made in the instant Cr.M.P. and submits that there is direct and specific allegation against the petitioners of being involved in commission of a non-bailable offence *inter alia* punishable under Section 302 and 498A of the Indian Penal Code and they are evading their arrest. Considering the aforesaid facts and being satisfied with the requirements for directing non-

bailable warrant of arrest, the learned Judicial Magistrate-1st Class, Dhanbad has directed for issuance of non-bailable warrant of arrest against the petitioners; who are the accused persons of the said case. Hence, there is no illegality in the impugned order. Therefore, it is submitted that this Cr.M.P., 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 learned Judicial Magistrate-1st Class, Dhanbad, after being satisfied that the petitioners are accused of having committed non-bailable offence and they are evading their arrest, has directed for issuance of non-bailable warrant of arrest against the petitioners. Therefore, this Court is of the considered view that there is no illegality in the order dated 18.02.2025 passed by the learned Judicial Magistrate-1st Class, Dhanbad in connection with Sindri P.S. Case No.103 of 2023 warranting interference of this Court in exercise of its power under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

7. Accordingly, this Cr.M.P., being without any merit, is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 23rd of March, 2026
AFR/ Animesh
Uploaded on- 24/03/2026