

(2026:JHHC:20536)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1287 of 2026

Shiv Kumar Singh, aged about 51 years, son of Late Bhim Singh,
resident of H.No.-135, Village-Bankheta Haritola, P.O. + P.S. +
District-Ramgarh.

... Petitioner

Versus

1. The State of Jharkhand
2. Sudha Singh W/o Late Siddeshwar Singh, resident of BJ-83,
Tagore Path, Near Milonee Club, Bijulia, P.O. & P.S-Ramgarh,
District-Ramgarh.

... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. Sourav Kumar, Advocate
	: Mr. Agnivesh, Advocate
For the State	: Ms. Shweta Singh, Addl.P.P.
For the OP 2	: Mr. Kundan Kr. Ambastha, Advocate

Order No:-03 Dated:-10-07-2026

Heard the parties.

This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of BNSS, 2023 with the prayer to modify the order dated 12.11.2020 passed in A.B.A. No.4236 of 2020 by extending the time for surrender of the petitioner before the court concerned in terms of the said order.

Learned counsel for the petitioner submits that due to circumstances beyond the control of the petitioner, he could not comply the direction of this Court to surrender before the court concerned within six weeks. It is next submitted that the petitioner was under genuine impression that his counsel would inform him of the appropriate date and inadvertently the delay occurred because the petitioner went for work and earn livelihood in the State of Gujarat. It is next submitted that the petitioner is still ready and willing to comply the order dated 12.11.2020,

hence, it is lastly submitted that the prayer as prayed for, in this Cr.M.P., be allowed.

Learned Addl.P.P. appearing for the State and learned Counsel for the Opposite Party No.2 on the other hand vehemently oppose the prayer of the petitioner and submits that though in the order dated 12.11.2020 passed in A.B.A. No.4236 of 2020 by this Court, it has been mentioned that the petitioner will not annoy or disturb the complainant in any manner during the pendency of the case and the petitioner hoodwinked the said condition and disobeyed the same has cunningly absconding for over 05 years and has annoyed and disturbed the complainant severely by selling the land of complainant and in view of this misconduct on the part of the petitioner and his vague claim that due to circumstances beyond the control of the petitioner, the petitioner could not surrender within the time granted to the petitioner to surrender in the Court concerned; the prayer made by the petitioner ought not be allowed and this Cr.M.P., being without any merit, be dismissed.

Having heard the submissions made at the bar and after carefully going through the materials available in the record, this Court finds that the only ground mentioned in the petition for extension of time for the petitioner to appear before the court concerned of six weeks from 12.11.2020 is that for the circumstances beyond the control of the petitioner, the petitioner could not appear within the stipulated time; which is no doubt a vague circumstance and the further contention of the petitioner is that the petitioner went to Gujarat to earn his livelihood is also a vague one; as it is highly unlikely that the petitioner will not visit his village for over 05 years from Gujarat where he claims to have gone to work, that too without giving any specific details as to what was the nature of the work, the petitioner was doing in Gujarat and what was the reason which did not allow him to come to his village for over 05 years.

Considering the aforesaid facts, this Court is of the considered view that in view of the conduct of the petitioner, this is not a fit case where the time of the petitioner for appear before the court concerned in terms of the order dated 12.11.2020 passed in A.B.A. No.4236 of 2020 by this Court be allowed.

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

(Anil Kumar Choudhary, J.)

10/07/2026
Abhiraj/