

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. M. P. No. 1264 of 2026

Rati Singh @ Rati Ranjan @ Raju @ Rati Ranjan Kumar Singh, aged about 39 years, s/o Suresh Singh, r/o near Suryamandir, Thakurbari Road Shaharpur, PO - Aurangabad Kutchehry, PS - Nagar Aurangabad, District- Aurangabad, Bihar. **Petitioner**

Versus

The State of Jharkhand. **Opp. Party**

For the Petitioner : Mr. Pranav Prakash Mishra, Advocate
For the State : Mr. Subodh Kr. Dubey, Addl. P.P.

PRESENT

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 the prayer to quash the order dated 09.02.2026 whereby and whereunder the learned trial court has passed order for issuance of proclamation under Section 82 of the Cr. P.C, in connection with Barwadda P.S. Case No. 228 of 2024.

3. Learned counsel for the petitioner submits that the execution report of the non-bailable warrant of arrest has not been returned without the attestation of independent witnesses, therefore, the issuance of proclamation under Section 82 of the Cr.P.C., on the basis of a defective execution report of the non-bailable warrant of arrest, is not sustainable in law. It is next submitted that the date fixed for appearance of the petitioner in the proclamation i.e., 20th March, 2026, was a holiday. So

that, there was non-application of mind. Hence, it is submitted that the prayer as prayed for in this Cr.M.P., be allowed.

4. Learned Addl. P.P. on the other hand vehemently opposes the prayer of the petitioner and submits that the impugned order is explicit that the Police raided the house of the petitioner on 16.08.2025, 19.10.2025, 13.12.2025 and 21.01.2026, but found the petitioner absent from his house on all the said four dates; and from the same, the learned J.M.F.C., gathered the materials to formulate the opinion that the petitioner is absconding and concealing himself to evade his arrest and has fixed the time and place of appearance before the Court. It is needless to mention here that the Judicial Courts remain functional on all days so merely fixing a day for appearance of the petitioner on a holiday, cannot be a ground for quashing the order. Hence, it is submitted that the prayer as prayed for in this Cr.M.P., be dismissed.

5. Having heard the submission made at the bar and after going through the materials on record, it is pertinent to mention here that the perusal of the record reveals that the learned Magistrate has formed the opinion on the basis of the execution of the non-bailable warrant issued against the petitioner, that the petitioner was found absent in his house and absconding on the four dates when the Police raided his house, it has categorically been mentioned in the impugned order dated 09.02.2026. After taken into consideration, the facts of the case the learned Magistrate formulated the opinion that the petitioner is absconding and concealing himself to evade his arrest. After so considering, the learned Magistrate

has directed to issue proclamation under Section 82 of the Cr.P.C. fixing for 20.03.2026 at 10:30 am in his Court. It is the admitted case of the petitioner that the petitioner never made any attempt to appear on that date before the Court concerned. It is needless to mention here that the judicial courts functions on all days including holidays. So, merely fixing a date, time and place for appearance of the petitioner on holiday, is in the considered opinion of this Court not a valid ground to quash, the otherwise, legal order of issuing the proclamation under Section 82 of the Cr.P.C. Hence, this Court is of the considered view that this is not a fit case, where the prayer prayed for by the petitioner in this Cr.M.P., is to be acceded to in exercise of power under Section 528 of the B.N.S.S., 2023.

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

(Anil Kumar Choudhary, J.)