

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 1383 of 2026

Wasim Akram, aged about 36 years, s/o Md. Zainul Haque, resident of
Kaharpara, P.O.-Sahibganj, P.S.-Sahibganj, Dist.-Sahibganj, 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 Petitioners : Mr. Akhouri Awinash Kumar, Advocate
For the State : Mr. Rakesh Kr. Sinha, Addl. P.P.

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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 to quash the order dated 15.04.2026 as well as order dated 18.04.2026 passed by the learned Judicial Magistrate 1st Class, Rajmahal in connection with Barharwa P.S. Case No.67 of 2026 by which the learned Judicial Magistrate 1st Class, Rajmahal has issued non-bailable warrant of arrest and proclamation under Section 84 B.N.S.S., 2023 respectively.
3. At the outset, learned counsel for the petitioner do not press the prayer to quash the order dated 15.04.2026 passed by the learned Judicial Magistrate 1st Class, Rajmahal in connection with Barharwa P.S. Case No.67 of 2026.

4. Accordingly, the prayer to quash the order dated 15.04.2026 passed by the learned Judicial Magistrate 1st Class, Rajmahal in connection with Barharwa P.S. Case No.67 of 2026 is rejected as not pressed.
5. So far as the order dated 18.04.2026 is concerned, it is submitted by the learned counsel for the petitioner that proclamation under Section 84 of B.N.S.S. has been ordered to be issued by the learned Judicial Magistrate 1st Class, Rajmahal vide the said order without following the due process of law and without fixing any time or place for the appearance of the accused person who is the petitioner herein and therefore, the same is not sustainable in law. Hence, it is submitted that the prayer as made in this criminal miscellaneous petition be allowed.
6. Learned Additional Public Prosecutor on the other hand opposes the prayer and submits that the petitioner is expected to appear before the court concerned after 30 days of the proclamation therefore, no illegality has been committed by the learned Judicial Magistrate 1st Class, Rajmahal. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.
7. Having heard the submissions made at the Bar and after going through the materials 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 84 of B.N.S.S., must record its satisfaction that the accused in respect of whom such proclamation is made, is absconding or concealing himself to evade his arrest and in case the court decides to issue proclamation under Section 84 of B.N.S.S., it must mention the time and place for appearance of the

petitioner in the order itself by which the proclamation under Section 84 of B.N.S.S. is issued. As already indicated above since the learned Judicial Magistrate 1st Class, Rajmahal has failed to mention the time or place for appearance of the petitioner who is the accused person of this case in the impugned order, hence, this Court has no hesitation in holding that the order dated 18.04.2026 passed by the learned Judicial Magistrate 1st Class, Rajmahal in connection with Barharwa P.S. Case No.67 of 2026 is not sustainable in law.

8. Accordingly, the order dated 18.04.2026 passed by the learned Judicial Magistrate 1st Class, Rajmahal in connection with Barharwa P.S. Case No.67 of 2026 is quashed and set aside.
9. The learned Judicial Magistrate 1st Class, Rajmahal may pass a fresh order in accordance with law.
10. In the result, this criminal miscellaneous petition is allowed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 8th May, 2026
AFR/Gunjan/-

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