

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr.M.P. No. 76 of 2026

1. Uday Nath Mahto, aged about 41 yeas, S/o Srinath Mahto, vill.- Garu, P.O.& P.S.- Kanke, Dist.- Ranchi, Jharkhand
 2. Md. Kalam Ansari, aged about 46 yeas, s/o Md. Iliyas Ansari, R/o near Lakhi Kundi School, Lakhi Kundi, P.O.- Asansol, P.S.- Dumka Muffasil, Dist.- Dumka, Jharkhand
- Petitioners
- Versus
- The State of Jharkhand
- Opposite Party

For the Petitioner : Mr. Piyush Kr. Roy , Adv.
For the State : Mr. Shailesh Kr. Sinha , Addl. PP

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- **I.A. No. 4660 of 2026**

Heard the parties.

Learned counsel for the petitioners submits that this interlocutory application has been filed for early hearing of this Criminal Miscellaneous Petition.

Since, the hearing of this Criminal Miscellaneous Petition is taken up today, hence, this interlocutory application stands disposed of being infructuous.

(Anil Kumar Choudhary, J.)

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2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of BNSS, 2023 but because of apparent mistake, it has been mentioned in page 1 of the CrMP that this Petition has been filed under Section 528 of Code of Criminal Procedure. This criminal miscellaneous petition has been filed with the prayer to quash and set aside the order

dated 08.07.2024 passed by learned CJM, Dumka whereby proclamation under Section 82 of CrPC has been issued and also the order dated 15.10.2025, whereby the attachment order against the petitioners has been issued in connection with Dumka (T) P.S. case no. 44 of 2016 corresponding to G.R. case no. 248 of 2016 registered for the offence punishable under Section 406, 419, 420, 120B, 467, 468 of the IPC.

3. It is submitted by the learned counsel for the petitioners that the petitioners are aggrieved by the order dated 08.07.2024; because though vide order dated 03.07.2024 in CrMP 1841 of 2024, this court set aside the order issuing process under Section 82 CrPC by the learned CJM, Dumka dated 01.11.2023 but thereafter, again the process under Section 82 of CrPC has been issued on 08.07.2024, though the I.O. of the case prayed for issuance of the process under Section 83 of the CrPC and not for the sale of the process under section 82 of the Code of Criminal Procedure.
4. It is next submitted that in the order dated 08.07.2024, learned CJM, Dumka did not mention the fact that fresh order needs to be passed and thereafter on 15.10.2025, learned CJM, Dumka issued attachment order under Section 83 of CrPC against the petitioners, without recording any satisfaction that the petitioners who are accused persons of the case, are deliberately evading their arrest or concealing or absconding, hence, it is submitted that the prayer as made in this Criminal Miscellaneous Petition be allowed.
5. Learned Addl. PP on the other hand, vehemently opposes the prayer of the petitioners and submits that as it is evident from order dated 06.07.2024 passed in Dumka (T) P.S. case no. 44 of 2016 corresponding to G.R. case no. 248 of 2016, that after this Court quashed the order dated 01.11.2023 passed in the said Dumka (T) P.S. case no. 44 of 2016, vide order dated 03.07.2024 in CrMP no. 1841 of 2024, the I.O. of the case, made a prayer for issuance of fresh process under Section 82 of CrPC against the 12 accused persons including the petitioners of CrMP no. 1841 of 2024; though prior to that, an application dated 24.06.2024 was

- also filed for issuance of the process under Section 82 of CrPC but vide order dated 08.07.2024, learned CJM, Dumka passed a fresh order for issuance of the proclamation under Section 82 of CrPC fixing 30.09.2024 for appearance of *inter alia* the petitioners, who are also accused persons of the case, before the court concerned and as, in spite of that the petitioners did not appear before the court concerned vide order dated 15.10.2025 learned CJM, Dumka, after being satisfied from the case diary submitted by the I.O. of the case, that proclamation of the process under Section 82 of CrPC was properly made but the petitioners, who were the accused person nos. 1 – 6 of the case, are absconding, in the fear of arrest and are not appearing before the court and being thus satisfied, directed for issuance of the attachment order under Section 83 of CrPC, hence, there is no illegality either in the order dated 08.07.2024 or in the order dated 15.10.2025. It is lastly submitted that this Criminal Miscellaneous Petition being without any merit, be dismissed.
6. Having heard the submissions made at the Bar and after going through materials available in the record, this Court finds that as is evident from the order dated 06.07.2024 passed in connection with Dumka (T) P.S. case no. 44 of 2016, after setting aside the earlier process under Section 82 of CrPC, a prayer was made by the I.O. on 06.07.2024, for issuance of the fresh process under Section 82 CrPC and taking into consideration the materials available in the record, learned CJM, Dumka passed the fresh order in accordance with law and order for issuance of the process under Section 82 of CrPC. Therefore, this Court do not find any illegality in the order dated 08.07.2024 passed by learned CJM, Dumka.
 7. So far as the order dated 15.10.2025 passed in connection with the said Dumka (T) P.S. case no. 44 of 2016 is concerned, from perusal of the same, it appears that the learned CJM, Dumka being satisfied from the case diary submitted by the I.O. of the case, to the effect that proclamation of process under Section 82 of CrPC,

- has properly been made, yet the petitioners, who are accused persons of the case, are absconding in the fear of arrest and are not appearing before the court, has directed for issuance of the attachment order under Section 83 of CrPC, so, this Court also do not find any illegality in the order dated 15.10.2025 passed in connection with the said Dumka (T) P.S. case no. 44 of 2016.
8. In view of the discussions made above, this Court is of the considered view that there is no justifiable reason to accede to the prayer made in this Criminal Miscellaneous Petition an exercise of its power under section 528 of BNSS.
9. Accordingly, this Criminal Miscellaneous Petition being without any merit is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated, the 8th April, 2026
Smita / AFR

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