

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.17 of 2011

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1.Tirthbasi Tiwary son of Late Gaya Tiwary, R/O Village Dandwas, P.S. Mohania,
District Kaimur.
2.Bhola Nath Tiwary @ Bhola Tiwary son of Late Bachan Tiwary, R/O Village
Barahauli, P.S. Mohania, District-Kaimur.

.... Appellant/s

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Appellant/s : Mr. Naresh Dikshit, Adv

For the Respondent/s : Mr. A.Sharma(App)

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP
SINGH**

and

HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH)

4 23-03-2017 Learned counsel for the appellants submits that

Tirthbasi Tiwary and Bhola Nath Tiwary, have died during the

pendency of this appeal. The aforesaid fact is not disputed by the

learned counsel for the State as well as learned counsel for the

informant, who are present in the Court.

We too find that at the time of recording of the

statement of the appellants under Section 313 of the Cr.P.C., ten

years back, appellant no. 1, Tirthbasi Tiwary, was aged about 80

years and appellant no. 2, Bhola Nath Tiwary was aged about 85

years.

In view of the submission of the learned counsel

for the appellants as well as learned counsel for the informant



made at bar, we are inclined to accept the submission that the two appellants have died and as such the appeal against them stands abated.

(Samarendra Pratap Singh, J)

Ranjan/-

(Arun Kumar, J)

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