

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.191 of 1995

SIPAHI SINGH & ORS

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

with

Criminal Appeal (DB) No. 209 of 1995

RAM KISHUN SINGH YADAV AND ORS

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

with

Criminal Appeal (DB) No. 216 of 1995

DEVENDRA SINGH YADAV

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

with

Criminal Appeal (DB) No. 728 of 2014

Arising Out of PS. Case No.-159 Year-1993 Thana- BHOJPUR COMPLAINT CASE

District- Bhojpur

AKSHAY KUMAR YADAV & ORS

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s



with
Criminal Appeal (DB) No. 812 of 2014

Arising Out of PS. Case No.-159 Year-1993 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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DAROGA YADAV

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

(In Criminal Appeal (DB) Nos. 191 of 1995 and 216 of 1995)

For the Appellant/s	:	Mr. Bind Keshri Kumar, Sr. Advocate. Mr. Ram Chandra Singh, Advocate. Mr. Jitendra Kr. Singh, Advocate. Mr. Ravi Shankar Pathak, Advocate.
For the Informant	:	Mr. Sunil Kumar, Advocate.
For the State	:	Mr. S.C. Mishra, A.P.P. Mr. Dilip Kumar Sinha.

(In Criminal Appeal (DB) No. 209 of 1995)

For the Appellant/s	:	Mr. Ram Chandra Singh, Advocate.
For the Respondent/s	:	Mr. Ashutosh Kumar, APP

(In Criminal Appeal (DB) No. 728 of 2014)

For the Appellant/s	:	Mr. Sunil Kumar, Advocate.
For the Respondent/s	:	Mr. S.C.Mishra, APP

(In Criminal Appeal (DB) No. 812 of 2014)

For the Appellant/s	:	Mr. Sunil Kumar, Advocate.
For the Respondent/s	:	Mr. Dilip Kumar Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

and

**HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)**

10 07-09-2018

The Superintendent of Police, Bhojpur, Ara, vide his

Letter No. 353/L.C. dated 16.04.2018 has reported that Daroga

Yadav, the sole appellant in Criminal Appeal (DB) No. 812 of

2014, died in the year 2016. The Superintendent of Police,



Bhojpur, Ara, has placed the aforesaid report on the basis of death certificate provided by family members of deceased, Daroga Rai. Furthermore, the Superintendent of Police, Bhojpur, Ara, has also reported that the appellant no.1, namely, Sipahi Singh Yadav, in Criminal Appeal (DB) No. 191 of 1995 died on 01.09.2016, as reported by concerned Sarpanch, Mukhiya and Chowkidar.

In view of the aforesaid report, the appeal filed on behalf of appellant, Sipahi Singh Yadav, in Criminal Appeal (DB) No. 191 of 1995 stands abated in respect to deceased, Sipahi Singh Yadav.

So far as the remaining appellants in Criminal Appeal (DB) No. 191 of 1995 are concerned, the aforesaid Criminal Appeal (DB) No. 191 of 1995 shall proceed against the remaining appellants.

Since the deceased, appellant, Daroga Yadav, is sole appellant in Criminal Appeal (DB) No. 812 of 2014, therefore, the Criminal Appeal (DB) No. 812 of 2014 stands abated and the office is directed not to list the aforesaid Criminal Appeal (DB) No. 812 of 2014 further along with the above stated remaining appeals.

The Sessions Judge, Bhojpur, Ara, transmitted the



report of Principal Judicial Magistrate, Juvenile Justice Board, Bhojpur, Ara, through letter dated 13.04.2018 which goes to show that the appellant, Binder Singh Yadav @ Rabindra Singh Yadav of Criminal Appeal (DB) No. 191 of 1995 was aged about 14 years 4 months 8 days at the time of alleged occurrence and similarly, appellant no. 2, namely, Umesh Singh Yadav of Criminal Appeal (DB) No. 209 of 1995 was aged about 16 years 7 months 27 days at the time of alleged occurrence and, accordingly, both the aforesaid appellants have been declared juvenile.

No doubt, both the above stated appellants have been declared juvenile by the Juvenile Justice Board, Bhojpur, Ara, but mere, the aforesaid declaration does not make any effect on the trial of the aforesaid appellants, though, the aforesaid declaration may effect the order of sentence. Therefore, in our view, the point of sentence shall be considered after full fledged hearing of the appeals of the aforesaid appellants and, if, their conviction is found to be sustained, then this Court shall consider to see as to whether the sentences awarded to them by the trial court in accordance with law or not.

Heard the aforesaid appeals in part.

Let the aforesaid appeals, except Criminal Appeal



(DB) No. 812 of 2014, be listed on 10.09.2018 under the same heading.

(Hemant Kumar Srivastava, J)

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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