

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.89 of 2019

Arising Out of PS. Case No.-64 Year-2005 Thana- ISUAPUR District- Saran

Lakshamina Devi, W/o- Shyam Lal Mahto, Village - Piarepur , P.S- Isuapur
Distt.- Saran (Chapra)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (DB) No. 120 of 2019

Arising Out of PS. Case No.-64 Year-2005 Thana- ISUAPUR District- Saran

Shyam Lal Mahto @ Sheyam Lal Mahto, Son of Late Jagdish Mahto,
Resident of Village – Piarepur, District- Saran (Chapra)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (DB) No. 89 of 2019)

For the Appellant/s : Mr. Manoj Kumar, Advocate,
Mr. Kishan Sharma, Advocate.

For the State : Mr. A.K. Sinha, A.P.P.

(In CRIMINAL APPEAL (DB) No. 120 of 2019)

For the Appellant/s : Mr. Manoj Kumar, Advocate.

For the State : Ms. Shashi Bala Verma, APP

For Informant ; Mr. Sanjay Kr., APP

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

and

**HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

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

5 04-04-2019 The Jail Superintendent, Saran, has reported vide his
letter no. 1136 dated 28.03.2019 that the husband of appellant
died on 05.03.2019 at Sadar Hospital, Chapra, in course of his



treatment.

Learned counsel appearing for the appellants submits that the husband of the appellant has preferred Criminal Appeal (DB) No. 120 of 2019 but on account of his death, the Criminal Appeal (DB) No. 120 of 2019 has already abated.

He, further, submits that the appellant in Criminal Appeal (DB) No. 89 of 2019, namely, Lakshamina Devi, has been convicted for the offence punishable under Section 302/34 of the Indian Penal Code along with her husband, who was appellant in Criminal Appeal (DB) No. 120 of 2019 and, accordingly, the appellant, Lakshamina Devi, has been sentenced to undergo rigorous imprisonment for life. He submits that the prosecution claims that appellant as well as three others by putting rope around the neck of the deceased committed her murder but the prosecution story appears to be absurd and, therefore, the provisional bail granted to appellant, Lakshamina Devi, be confirmed.

On the other hand, learned counsel appearing for the informant submits that appellant, Lakshamina Devi, in Criminal Appeal (DB) No. 89 of 2019 was granted privilege of provisional bail on account of death of her husband and now last rituals of her husband has already been performed and there is



no need to confirm the provisional bail granted to appellant,
Lakshamina Devi.

Considering the aforesaid facts and circumstances as
well as submissions of the parties, the provisional bail granted
to appellant, Lakshamina Devi, of Criminal Appeal (DB) No.
89 of 2019 vide order dated 14.03.2019 is hereby confirmed.

Criminal Appeal (DB) No. 120 of 2019 stands abated
due to death of sole appellant, namely, Shyam Lal Mahto @
Sheyam Lal Mahto.

Let the Criminal Appeal (DB) No. 89 of 2019 be
listed under the heading “For Hearing” according to its seriatim.

(Hemant Kumar Srivastava, J)

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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