

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.241 of 1995

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Mahesh Singh and Ors

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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with

CRIMINAL APPEAL (DB) No. 258 of 1995

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Birju Singh and Anr

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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with

CRIMINAL APPEAL (DB) No. 310 of 1995

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Ram Ishwar Singh and Ors

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (DB) No. 241 of 1995)

For the Appellant/s : Mr.Pramod Kumar Singh, Advocate.

For the Respondent/s : Mr.Ram Ishwar Chandra,APP

(In CRIMINAL APPEAL (DB) No. 258 of 1995)

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

For the Respondent/s : Mr.R.J.Maharaj, APP

(In CRIMINAL APPEAL (DB) No. 310 of 1995)

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

For the Respondent/s : Mr.Ram Ishwr Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

and

HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE A. M. BADAR)

4 17-11-2021

Criminal Appeal (DB) No. 258 of 1995



Vide order dated 17.05.2019, this Court had called for report from the police to ascertain whether appellants Birju Singh and Pradip Singh in Criminal Appeal (DB) No. 258 of 1995 are alive or not.

In pursuant to the said order, Senior Superintendent of Police, Patna, Vide Letter No. 1642 dated 5th July, 2019, has forwarded a report stating that appellant Birju Singh died on 25.03.2018 whereas appellant Pradip Singh died on 15.08.2011. Along with the said report, report of the Police Station Officer so also death certificates of Birju Singh and Pradip Singh are forwarded. For the purpose of identification, the report dated 5th July, 2019 of the Senior Superintendent of Police, Patna is marked as Ext. X. As appellants Birju Singh and Pradip Singh in Criminal Appeal (DB) No. 258 of 1995 died during the pendency of the appeal, the said Criminal Appeal (DB) No. 258 of 1995 stands abated and the same is consigned to record.

Criminal Appeal (DB) No. 310 of 1995

Similarly, vide same order dated 17.05.2019, police report in respect of appellant no. 4 Kashi Singh, son of Ramanand Singh in Criminal Appeal (DB) No. 310 of 1995 was also called. In response of the said order, the Superintendent of Police, Arwal vide Memo No. 56 dated 11.06.2019 has



forwarded the report along with the report of the Police Station Officer and certificate of the Gram Panchayat reporting that Kashi Singh @ Kashinath Sharma - appellant no.4 in Criminal Appeal (DB) No. 310 of 1995 passed away six or seven years earlier. The said report of the Superintendent of Police, Arwal is marked as Ext.Y for the purpose of identification. In this view of the matter, Criminal Appeal (DB) No. 310 of 1995 in respect of Kashi Singh, son of Ramanand Singh, appellant no. 4 stands abated.

Learned counsel for the appellants further submits that appellant no. 1 Ram Ishwar Singh and appellant no. 2 Sakaldip Singh in Criminal Appeal (DB) No. 310 of 1995 died on 26.01.2021 and in August 2021 respectively.

In this view of the matter, call for report from the concerned Superintendent of Police as to whether these two appellants are alive or not.

The report must reach to this Court within four weeks from today.

The learned Additional Public Prosecutor to communicate this order to the concerned Superintendent of Police for getting the report within prescribed time limit failing which the concerned Superintendent of Police shall appear



before the Court with explanation for non-compliance of this order.

Similarly, the Registry shall also separately inform the concerned Superintendent of Police for calling report.

List this case on 22.12.2021 under the appropriate heading.

(A. M. Badar, J)

Bhardwaj/-

(Sunil Kumar Panwar, J)

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