

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.92 of 2006

1. Bhagwan Singh son of Late Nemo Singh
2. Dhanik Singh, son of Nemo Singh
3. Mahesh Singh, son of Balmiki Singh
4. Umesh Singh, son of Balmiki Singh
5. Ramesh Singh, son of Balmiki Singh
6. Janardan Singh @ Machhar Singh
7. Sarjan Singh, son of Dhanik Singh
All are resident of Village-Chaitnya Tola, Khutha, P.S.-Barahiya, District-Lakhisarai.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 133 of 2006

Baban Singh, son of Late Nemo Singh, resident of Village-Chetan Tola, Khudaha, P.S.-Barahiya, District-Lakhisarai

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :
(In CRIMINAL APPEAL (SJ) No. 92 of 2006)
For the Appellant/s : Mr.Sanjiv Kumar Singh
For the Respondent/s : Mr.App.
(In CRIMINAL APPEAL (SJ) No. 133 of 2006)
For the Appellant/s : Mr.Tej Bahadur Roy
For the Respondent/s : Mr.App.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

8 20-06-2024 It appears that vide order dated 11.03.2024, a report was called for from the Court of learned Additional Sessions Judge, F.T.C-II, Lakhisarai with regard to the death of the appellant Baban Singh {Cr.



Appeal (SJ) No. 133 of 2006} as I.A. No. 03 of 2024 was filed by learned counsel for abatement of Cr. Appeal (SJ) No. 133 of 2006 since the sole appellant had died in the year 2016.

The report of learned In-charge, Additional District & Sessions Judge-F.T.C-II-cum-Additional District & Sessions Judge-III, Lakhisarai has been received and it has been kept at Flag-Y which suggests that on inquiry by the Superintendent of Police, Lakhisarai, it was found that the appellant Baban Singh {Cr. Appeal (SJ) No. 133 of 2006} had died six years back. The death of the appellant Baban Singh {Cr. Appeal (SJ) No. 133 of 2006} has also been confirmed by the *Mukhia* of the Panchayat and a certificate to that effect has been annexed with the report.

In that view of the matter, the appeal against the appellant Baban Singh {Cr. Appeal (SJ) No. 133 of 2006} stands abated under the provisions of Section 394 of the Code of Criminal Procedure.



Accordingly I.A. No. 03 of 2024 stands allowed.

It further appears that a report was also called for from the Court below in respect of death of appellant No. 2 Dhanik Singh {Cr. Appeal (SJ) No. 92 of 2006}. The office note dated 13.06.2024 suggests that the report has still not been received.

Put up this appeal after receipt of the report.

(Sunil Kumar Panwar, J)

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