

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.595 of 1998

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KAPIL MAHTO

... .. Appellant/s

Versus

STATE OF BIHAR

... .. Respondent/s

=====

with
CRIMINAL APPEAL (DB) No. 23 of 1999

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VIJAY MAHTO

... .. Appellant/s

Versus

STATE OF BIHAR

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (DB) No. 595 of 1998)

For the Appellant/s : Mr.

For the Respondent/s : Mr.Manish Kumar No2

(In CRIMINAL APPEAL (DB) No. 23 of 1999)

For the Appellant/s : Mr.

For the Respondent/s : Mr.Pp.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

5 06-12-2025 The aforesaid appeals arise out of judgment of conviction and order of sentence dated 30.11.1998 and 1.12.1998 respectively, passed by the learned Court of ^{3rd} Additional Sessions Judge, Saran at Chapra in connection with Sessions



Trial No. 300 of 1997 / 135 of 1997, arising out of Amnour (Bheldi) P.S.Case No. 32/96.

2. As far as the first case i.e. Criminal Appeal (DB) No. 595 of 1998 is concerned, we find that the Superintendent of Police, Saran at Chapra has sent a letter dated 30.7.2025, wherein he has enclosed letter of the Officer-in-Charge, Amnour Police Station, Saran, dated 30.7.2025, wherein it has been stated that the aforesaid appellant, namely Kapil Mahto has died couple of years back and in support thereof, certificate of the Sarpanch, Gram Panchayat Raj Koreya, Block-Amnour, Saran dated 26.7.2025 has been annexed, who has certified that the said Kapil Mahto has died couple of years back. We have no reasons to disbelieve the factum of the aforesaid appellant, namely Kapil Mahto having died, hence the aforesaid appeal bearing Criminal Appeal (DB) No. 595 of 1998 stands abated qua the said appellant, namely Kapil Mahto.

3. As far as Criminal Appeal (DB) No. 23 of 1999 is concerned, we find that there is no representation on behalf of the appellant and on the last date of hearing, the Court had observed that in case the counsel for the appellant does not appear, *Amicus Curiae* shall be appointed.

4. In view of the aforesaid, we deem it fit and proper to



appoint Sri Ravi Bhardwaj, Advocate as *Amicus Curiae* to assist this Court on behalf of the surviving appellant.

- 5. The registry is directed to hand over a copy of the appeal as also paper book to the learned *Amicus Curiae* within a week.
- 6. List after four weeks for hearing.

(Mohit Kumar Shah, J)

(Soni Shrivastava, J)

Ajay/-

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