

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.779 of 2004

Upendra Mahto

... .. Appellant/S

Versus

State Of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (DB) No. 793 of 2004

Janak Lal Mahto @ Tanka Bind And Anr

... .. Appellant/S

Versus

State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (DB) No. 779 of 2004)

For the Appellant/s : None

For the Respondent/s : Mr. Pp.

(In CRIMINAL APPEAL (DB) No. 793 of 2004)

For the Appellant/s : None

For the Respondent/s : Mr. Pp.

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA

and

HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH)

5 19-11-2025

Re-CR. APP(DB) No. 779 of 2004

Instant Criminal Appeal, arising out of judgment and order dated 20.09.2004 passed by the learned Additional Sessions Judge, Fast Track Court No. II, Bhagalpur in Sessions Trial No. 219 of 1987/ Trial No. 86 of 2002 (Shahkund PS case no. 57 of 1985) is listed for hearing.



2. Despite repeated calls, none appears on behalf of the appellants, whereas Learned, Additional Public Prosecutor for the State is present.

3. Perusal of record shows that vide letter dated 30.07.2025 of Assistant Registrar, Cr. Appeal Section of this Court, a living status report of accused appellant was called for. In response there to, Senior Superintendent of Police, Bhagalpur submitted report dated 25.10.2025 based on the information furnished by Sub Inspector, Shahkund Thana apprising this Court that appellant, namely, Upendra Mahto has died on 20.08.2022 during pendency of this Cr. Appeal. The Death Certificate dated 10.10.2025 issued by Gram Kachahri, Belthu is also enclosed along with the said report.

4. In view of the above, the Criminal Appeal *qua* appellant namely, Upendra Mahto stands abated.

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5. So far as appellant nos. 1 and 2 namely, Janak Lal Mahto @ Tanka Bind and Kharharwa Mahto are concerned, it is mentioned that they are alive.

6. Since no one is appearing on behalf of appellant nos. 1 and 2 therefore, for speedy disposal of this Cr. Appeal, this Court propose to appoint *amicus curiae* but feels that before



appointing any amicus curiae on behalf of appellant nos. 1 and 2, one opportunity/ information about listing of instant Cr. Appeal should be given to the appellant nos. 1 and 2.

7. Let a notice be issued to appellant nos. 1 and 2 for their appearance either personally or through their counsel on the next date, failing which this Court would have no option except to appoint amicus curiae for hearing of this Cr. Appeal.

8. List this case on 21.01.2026 along with service report.

(Nani Tagia, J)

(Sanjay Kumar Singh , J)

Raj Ranjan/-

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