

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.392 of 2004

1. Diwakar Tiwary, Son of Late Kishori Tiwary
2. Babulal Rai, Son of Late Rambachan Tiwary
Both are residents of Village-Ladhanpur Dumir, Police Station-Nayagaon,
District-Saran (Chapra).

... .. Appellants

Versus

State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Mithilesh Kumar, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 08-05-2026 Perused the Letter No. 817 dated 03.05.2026 of the Senior Superintendent of Police, Saran along with the report of S.H.O., Nayagaon dated 01.05.2026, wherein it is indicated that during enquiry it came to light that the both appellants Diwakar Tiwary and Babulal Rai have died. Death certificate of the both the appellants issued by Department of Planning and Development, Government of Bihar, Patna have also been enclosed with the said report.

2. In view of the said letters as also section 394 of the Code of Criminal Procedure, 1973, which corresponds to section 435 of the Bharatiya Nagarik Suraksha Sanhita, 2023, since no near relative has filed any application for leave to



continue the appeal, the Criminal Appeal stands abated and disposed of.

3. Let the trial court records be sent back to the concerned court immediately, if not required in any other case.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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