

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (DB) No.90 of 2008**

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Fatinga Mahto @ Jagdish Mahto, S/o Late Gokul Mahto, R/Vill.-Satpura,  
Police Station-Sadar, District-Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

**Appearance :**

For the Appellant/s : Mr. Sudhir Kumar Jha, Advocate

For the Respondent/s : Mr. Dilip Kumar Sinha, APP

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE HARISH KUMAR**

ORAL ORDER

**(Per: HONOURABLE THE CHIEF JUSTICE)**

4      07-05-2026                      Perused the Letter No. 614 dated 29.04.2026 of the Senior Superintendent of Police, Muzaffarpur along with the report of S.H.O., Kachi Pakki O.P. dated 26.04.2026, wherein it is indicated that during enquiry it came to light that the sole appellant Fatinga Mahto @ Jagdish Mahto, has died. Death certificate issued by Department of Planning and Development, Government of Bihar, Patna along with certificate of death issued by Ward Councillor, Ward No. 32, Nagar Nigam, Muzaffarpur has also been enclosed with the said report.

2. In view of the said letter 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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