

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5044 of 2024

Arising Out of PS. Case No.-26 Year-1991 Thana- C.B.I CASE District- Patna

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A. K. Biswas @ Ashok Kumar Biswas, Son of Late Binay Krishna Biswas @ Late Bijay Krishna Biswas Resident of R. K. Bhattacharya Road, Patna at present residing at SE- 03, Block B, Ashutosh Apartment, Police Station -Lalpur, District- Ranchi (Jharkhand)

... .. Appellant/s

Versus

The State of Bihar thorough C.B.I. Patna Bihar, Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Mukherjee, adv.
For the CBI : Mr. Sanjay Kumar, SC. CBI

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

10 22-06-2026 Mr. Ajay Mukherjee, learned counsel, submits that he was appearing on behalf of the appellant and now the appellant is no more and in this regard, a report was called for by this court vide order dated 28.07.2025 and the required report has been received and may be perused, which confirms the death of the appellant. Learned counsel further submits that the appellant died on 28.07.2025 and the legal heirs/near relatives of deceased appellant are not willing to continue this appeal and the same may be declared abated under the provisions of Section 394 of the Cr.P.C.

2. On the other hand, Mr. Sanjay Kumar, learned counsel appearing for the C.B.I. submits that though the appellant is now no more but even the State of Bihar has a right



to recover the fine amount from the deceased/appellant's property or estate and thereafter order of any abatement of this appeal, if permissible in law should not affect the State's right to recover the said fine amount.

3. Considering the aforesaid submissions and in the light of the provisions of Section 394 of the Cr.P.C. this appeal stands abated as after the death of the appellant, a period of more than 30 days has passed and no application by any near relative of the deceased/appellant to continue this appeal has been filed despite the factum of the pendency of this appeal being in his/her knowledge as per the learned counsel, who had appeared on behalf of the deceased/appellant and is also present today and according to him the near relatives of the deceased/appellant are not willing to pursue and continue this appeal.

4. It is clarified that this order of abatement will not affect State's right, if any, to recover the fine amount in accordance with law.

(Shailendra Singh, J)

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