

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33059 of 2026**

**In
CRIMINAL APPEAL (DB) No.377 of 2015**

Arising Out of PS. Case No.-148 Year-2011 Thana- TAJPUR District- Samastipur

Sakali Devi, W/o Late Bal Govind Sada, R/o Village- Morba, Anaandpur,
P.S.- Tajpur, Distt.- Samastipur, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashok Kumar Singh, S/o Nanki Singh, R/o Village - Nikaspur, P.S.- Tajpur,
Distt.- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vikash Kumar Pankaj, Advocate
For the Opposite Party/s :	Mr. Manoj Kumar Ambastha, SC- 26
	Mr. Santosh Kumar Mishra, AC to SC- 26
	Mr. Divit Vinod, AC to SC- 26
	Mr. Tarun Prasad Mandal, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-05-2026

In pursuance of the order dated 08.05.2026, both Superintendent of Police, Samastipur Mr. Arvind Pratap Singh and Station House Officer, Tajpur Police Station, District- Samastipur, Mr. Rakesh Kumar Sharma, are present through virtual mode.

2. The Superintendent of Police, Samastipur has submitted a letter bearing no. 966 dated 10.05.2026, the copy of which has been placed on record and it is submitted that in compliance of the order of this Court, list of 293 remaining



Appeals has been sent to the office of the Patna High Court explaining the well being of the accused/appellants. The aforesaid fact has also been verified by the Joint Registrar (List), who has endorsed the aforementioned statement.

3. In the order dated 08.05.2026, we mentioned as follows:

“2. The Criminal Appeal was taken up on 13.03.2026 and the following order was passed:-

“Perused Letter No. 155 dated 11.02.2026 of the Superintendent of Police, Samastipur along with the report of S.H.O., Tajpur Police Station, wherein it is indicated that during the enquiry it came to light that the sole appellant, namely Sakli Devi, is dead.

2. In view of the said letter and having regard to Section 394 of the Code of Criminal Procedure, 1973, which corresponds to Section 435 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and inasmuch as no near relative has filed any application seeking leave to continue the appeal, the present Criminal Appeal stands abated and is accordingly disposed of.

3. Let the Trial Court Records be sent back to the concerned Trial Court.”

3. In the Criminal Miscellaneous case, it has been mentioned by the appellant as follows:-

“4. That it is humbly submitted that the



Hon'ble Court in the aforesaid order dated 13.03.2026 has held the Appeal to have been abated on the basis of report submitted by SHO, Tajpur Police Station contained in Letter No. 155 dated 11.02.2026 issued by the Superintendent Of Police, Samastipur, wherein it is indicated that the present Appellant - Petitioner namely Sakli Devi, is dead.

5. That it is humbly submitted that the aforesaid fact is incorrect and factually wrong as the Appellant - Petitioner as on date is alive and in sound health and mind. Further, she is the deponent of the present Modification Application. The Appellant has been issued PAN Card, AADHAR Card, Bank Passbook, Bihar Govt. scheme Self Help Group Saving Account Passbook, etc.

6. That the competent incumbent Mukhiya, Morba (South) Gram Panchyat has also issued certificate dated 18.03.2026 on the request of the Appellant stating therein, that the Appellant is alive and is residing at her house in the said Village.

7. That the Appellant is an illiterate innocent lady and it appears that inadvertently, in the ADHAAR Card and PAN Card her date of birth has been incorrectly recorded as 01.01.1935. Appellant's Ration Card issued in 2018 records her age as 62 years.

8. That in view of the facts stated above, it is crystal clear that if the aforesaid modification as prayed by the Petitioner is



not allowed by the Hon'ble Court then the same may cause serious prejudice to the Petitioner - Appellant and therefore, the said Order dated 13.03.2026 (Annexure - P/1) passed in Cr.Appeal (DB) No. 377 of 2015 needs to be modified accordingly and the connected Criminal Appeal against acquittal needs to be restored to its original file.

9. That it appears that the SHO, Tajpur Police Station has callously prepared the report regarding Appellant's death sitting in his chamber without any documentary evidence and also without actual spot verification.

10. That the Petitioner would suffer irreparable loss if case the present Modification application is not allowed and the reliefs are not granted. Appellant Petitioner has a good case and the grounds for allowing the Appeal against acquittal have been squarely stated in the connected memo of Appeal.”

4. Both the Superintendent of Police, Samastipur, Mr. Arvind Pratap Singh and the S.H.O., Tajpur Police Station, Mr. Rakesh Kumar Sharma are present through virtual mode and submitted that when a report was received that one Sakali Devi is dead, the reports were submitted before this Court but it has come subsequently to their knowledge that, in fact, the appellant is alive and accordingly, a fresh report has been submitted.”



4. It is needless to say that, before this Cr. Misc. case was filed by the appellant Sakali Devi for recalling the order dated 13.03.2026 passed by this Court in Criminal Appeal (DB) No. 377 of 2015 and to restore the aforesaid appeal to the original file, a report had been filed by Letter No. 375 dated 02.04.2026, wherein it is stated that after verification, it has been found that 'Sakali Devi' with regard to whom an earlier report was sent that "she is dead", was not the correct report. On proper verification, it came to light that the appellant Sakali Devi in the present Criminal Appeal is still alive and accordingly, it has been informed to the High Court that said 'Sakali Devi', is alive.

5. The show-cause affidavit has been filed by the Superintendent of Police, Samastipur, wherein it is stated as follows:-

"5. That at the very outset, it is stated and submitted that the present restoration application filed by this petitioner seeking restoration of Criminal Appeal No. 377 of 2015 may be allowed in view of Letter No. 375/Legal Cell dated 2.4.2026 already issued by the Superintendent of Police, Samastipur which is addressed to the Assistant Registrar of this Hon'ble Court explaining the factual background including the fact that this petitioner is alive.

*A copy of the Letter No. 375/Legal Cell dated 2.4.2026 is annexed as **Annexure A.***

6. That unconditional and unqualified apology is being tendered in this regard as the submission of



earlier report leading to disposal of the criminal appeal was an advertent error.

7. That in this regard it is stated and explained that:-

- a) In the details received in the Office of the Superintendent of Police, Samastipur at Sr. No. 48 details of the Cr. Appeal (DB) No. 377 of 2015 with name 'Sakli Devi' address Resident of Village Morba Anandpur, P.S. Tajpur, District Samastipur was mentioned without any husband's details.

A copy of the list of cases is annexed as **Annexure B.**

- b) Accordingly, under Memo No. 102/Legal Cell dated 7.2.2026 the Station House Officer of Tajpur Police Station was directed to verify the living status of Sakli Devi.

A copy of the Memo No. 102/Legal Cell dated 7.2.2026 is annexed as **Annexure C.**

- c) That under DR No. 313/26 dated 11.02.2026 it was reported by the Station House Officer, Tajpur Police Station that Sakli Devi **Wife of Dhanraj Paswan** is not alive.

A copy of the DR No. 313/26 dated 11.02.2026 is annexed as **Annexure D.**

- d) In this regard a report dated 10.02.2026 issued by the Sarpanch (Shri Ram Babu Pandit) of the Panchayat was also forwarded by the local police station with name of Sakli Devi **Wife of Dhanraj Paswan** and that she has died about seven years back.

A copy of the report of the Sarpanch dated 10.02.2026 is annexed as **Annexure E.**

- e) Later, under Letter No. 155 dated 11.02.2026 the matter was reported to the Assistant Registrar of this Hon'ble Court that Sakli Devi Wife of Dhanranj Paswan is not alive. However, inadvertently it was mentioned that a death certificate is annexed with the letter whereas instead of death certificate report of the Sarpanch was attached.



*A copy of the Letter No. 155 dated 11.02.2026 is annexed as **Annexure F.***

f) Based thereupon on 13.03.2026 this Hon'ble Court was pleased to dispose of the criminal appeal.

*g) In the order sheet of 13.03.2026 in the cause title head name of the appellant was mentioned as Sakli Devi **Wife of Late Bal Govinda Sada.***

h) Later, upon information of submission of erroneous report of living status of this petitioner that she has died, under Memo No. 370 dated 1.4.2026, the Station House Officer of Tajpur Police Station has been suspended by District Order-617/2026 under Memo No-951/Legal dated-10-05-2026 and Departmental Proceeding.

A copy of the Memo No. 370 dated 1.4.2026 is annexed as and a copy of Memo Bo-951, dtd-10-05-2026.

Annexure G.

*i) In response thereto, under Memo No. 715/26 dated 1.4.2026 an explanation was received from the Station House Officer of Tajpur Police Station that Sakli Devi is **Wife of Late Bal Govinda Sada**, and his report was relating to Sakli Devi **Wife of Dhanraj Paswan** and his earlier report carried factual error due to absence of parentage of Sakli Devi. However, now the details were re-verified with police station records of the connected Tajpur Police Station Case No. 148 of 2011 dated 6.5.2011 and thereafter local verification was done in Village Raitola Morwa in presence of Chaukidar, Sarpanch and villagers and it was found that the petitioner herein who is the appellant of Cr. Appeal (DB) No. 377 of 2015 is alive.*

*A copy of the Memo No. 715/26 dated 1.4.2026 is annexed as **Annexure H.***

j) In fact, he i.e. the Station House Officer has also mentioned about the separate report dated 1.4.2026 (Memo No. 712/26) issued in this regard by the SHO, Tajpur.

A copy of the report dated 1.4.2026 (Memo



No. 712/26) is annexed
as ***Annexure I***.

k) Thereafter under Letter No. 375 dated 2.4.2026
(Annexure-A) report was submitted before this
Hon'ble Court.

8. That above facts may be considered, and the
contempt proceedings may not be drawn against
the answering opposite party.

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10. That in this case the error was inadvertent,
unintentional and made due to oversight and the
answering opposite party assures that he shall be
more careful in obtaining and in submitting report
before this Hon'ble Court.

11. That the answering opposite party tenders his
unconditional and unqualified apology for the
inconveniences caused to this Hon'ble Court which
was neither intentional nor deliberate.

12. That the answering respondent shall be more
careful and cautious in submission of report before
this Hon'ble Court."

6. Learned Counsel for the State also pointing out
from Annexure-B of the affidavit filed by the Superintendent of
Police that the well being reports were called for by this Court
in different cases, do not indicate the parentage or husband's
name mentioned in the appeal memo and only the appellant(s)
name and address are mentioned therein, which creates a
problem in proper identification of the appellant, inasmuch as,
there is every likelihood that in the name of the very same
person, there may be more persons in that village under the
same police station of the same district.

7. The Joint Registrar (List) Mr. Pranaw Shankar



has assured this Court that henceforth, when the well being reports shall be called for in different Criminal Appeals, the complete address of the appellant/appellants, as per the cause title of the Memo of Appeal shall be furnished. The affidavit filed by the Superintendent of Police, Samastipur is taken on record.

8. The unconditional and unqualified apology tendered by the Superintendent of Police is accepted and the prayer made in the affidavit is allowed. The order dated 13.03.2026, passed in Cr. App. (DB) No. 377 of 2015, stands recalled and the said Criminal Appeal is restored to the original file.

9. In pursuance of the said order Mr. Rakesh Kumar Sharma, Station House Officer, Tajpur has also filed a show-cause affidavit wherein it is stated as follows:

“5. That the answering opposite party has been suspended by the Superintendent of Police, Samastipur vide order dated 10.05.2026.

*A copy of the suspension order dated 10.05.2026 (Samastipur District Order No. 617/2026) is annexed as **Annexure-A**.*

6. That the answering opposite party had erred in sending a report on the living status of this petitioner, as due to oversight and absence of



parentage details of this petitioner living status report of some other Sakli Devi was sent before this Hon'ble Court leading to disposal of the appeal.

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10. *That unconditional and unqualified apology is being tendered in this regard as the submission of earlier report leading to disposal of the criminal appeal was an advertent error.*

11. *That in this regard it is stated and explained that: -*

a. In the details received in the Office of the Superintendent of Police, Samastipur at Sr. No. 48 details of the Cr. Appeal (DB) No. 377 of 2015 with name 'Sakli Devi' address Resident of Village Morba Anandpur, P.S. Tajpur, District Samastipur was mentioned without any husband's details.

*A copy of the list of cases is annexed as **Annexure B.***

b. Accordingly, under Memo No. 102/Legal Cell dated 7.2.2026 the deponent was directed to verify the living status of Sakli Devi.

*A copy of the Memo No. 102/Legal Cell dated 7.2.2026 is annexed as **Annexure C.***

*c. That under DR No. 313/26 dated 11.02.2026 the deponent reported that Sakli Devi **Wife of Dhanraj Paswan** is not alive.*

*A copy of the DR No. 313/26 dated 11.02.2026 is annexed as **Annexure D.***

*d. In this regard a report dated 10.02.2026 issued by the Sarpanch (Shri Ram Babu Pandit) of the Panchayat was also forwarded by the deponent with name of Sakli Devi **Wife of Dhanraj Paswan** and that she has died about seven years back.*

A copy of the report of



*the Sarpanch dated 10.02.2026 is annexed as **Annexure E.***

e. That thereafter the same was reported before this Hon'ble Court and based thereupon on 13.03.2026 this Hon'ble Court was pleased to dispose of the criminal appeal.

f. Later, upon information of submission of erroneous report of living status of this petitioner that she has died, under Memo No. 370 dated 1.4.2026, the deponent was show caused in the matter by the Superintendent of Police, Samastipur.

*A copy of the Memo No. 370 dated 1.4.2026 is annexed as **Annexure-F.***

*g. In response thereto, under Memo No. 715/26 dated 1.4.2026 an explanation was submitted by the deponent that Sakli Devi is **Wife of Late Bal Govinda Sada**, and his report was relating to Sakli Devi **Wife of Dhanraj Paswan** and his earlier report carried factual error due to absence of parentage of Sakli Devi. However, now the details were re-verified with police station records of the connected Tajpur Police Station Case No. 148 of 2011 dated 6.5.2011 and thereafter local verification was done in Village Raitola Morwa in presence of Chaukidar, Sarpanch and villagers and it was found that the petitioner herein who is the appellant of Cr. Appeal (DB) No. 377 of 2015 is alive.*

*A copy of the Memo No. 715/26 dated 1.4.2026 is annexed as **Annexure H.***

h. In fact, he i.e. the deponent has also mentioned about the separate report dated 1.4.2026 (Memo No. 712/26) issued in this regard by tmeur.

*A copy of the report dated 1.4.2026 (Memo No. 712/26) is annexed as **Annexure H (Series).***

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13. That the answering opposite party is a police officer and he cannot ever think to submit a false



report in any judicial proceeding.”

10. The unconditional and unqualified apology, which has also been tendered by the Station House Officer, Tajpur is accepted.

11. In the show-cause affidavit filed by the Superintendent of Police, Samastipur, we found that one ‘Rakesh Kumar Sharma’ Station House Officer, Tajpur has been suspended and a show-cause for the departmental proceeding has been issued to him.

12. Since the mistake appears to be a genuine one, we direct that the suspension order be revoked. It is expected that the S.H.O., Tajpur shall be careful in future, while submitting such report.

13. The present application stands disposed off.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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AFR/NAFR	
CAV DATE	NA
Uploading Date	14.05.2026
Transmission Date	14.05.2026

