

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (DB) No. 372 of 2023

Dhiren Yadav

... Appellant

Versus

The State of Jharkhand

... Respondent

CORAM : HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Appellant	: Mr. Indrajit Sinha, Advocate (through VC)
	: Mr. Akhouri Awinash Kumar, Advocate
	: Ms. Ashwini Priya, Advocate
For the Respondent	: Mr. Pankaj Kumar, P.P.
	: Mr. Anup Pawan Topno, APP
	: Mrs. Anuradha Sahay, APP

13/Dated: 11th March, 2026

1. Mr. Indrajit Sinha, learned counsel appearing through virtual mode, assisted by Mr. Akhouri Awinash Kumar, learned counsel appearing for the appellant, has submitted that the interlocutory application being I.A. No. 911 of 2026 which has been filed for suspension of sentence was primarily filed on the ground of medical issues which the appellant was facing. But, as per instruction, the appellant is now no more since he has died.
2. However, the learned counsel for the appellant has raised the issue of medical facilities inside the Jail premises.
3. Mr. Pankaj Kumar, learned Public Prosecutor, appearing for the State, has sought for leave of this Court to file an affidavit, copy thereof has been served to the learned counsel for the appellant.
4. Let the affidavit be taken on record.
5. Further, learned Public Prosecutor has submitted that after taking all

precautionary measures, the appellant could not be saved. The jail authorities have taken immediate steps considering his deteriorating condition, by shifted him to the Phulo Jhano Medical College and Hospital, Dumka where he had died.

6. Mr. Indrajit Sinha, learned counsel for the appellant, has further submitted that there is no instruction as to whether the appeal is to be pursued by the legal heirs or not as required under the provision of Section 394 of Cr.P.C. *pari materia* to Section 435 BNSS, 2023
7. It has further been submitted that appropriate instructions will be taken from the legal heirs of the appellant, and thereafter, the necessary application will be filed.
8. So far as the present interlocutory application being I.A. No. 911 of 2026 is concerned, due to the death of the appellant, the same is rendered to be infructuous and hence dismissed.
9. This issue of medical facilities has raised due to the death of the appellant.
10. It has been informed by the learned counsel for the appellant that in most of the jails, sufficient equipments are not there and even the doctors are not being posted on regular basis, rather, they are being deputed in a time slot and now the same is of more concern.
11. This Court, in the present appeal, is now concerned with the medical issues in the Jail premises, i.e., the medical equipments & deployment of doctors on regular basis therein.
12. This Court, therefore, has thought it proper to call upon a report

from each Jail through the Civil Surgeon of the concerned district, who is to visit the respective Jails falling under their jurisdiction accompanied by the Secretary DLSA so that a joint report be submitted for passing further necessary order.

13. List this matter on 6th April, 2026 along with the report.

(Sujit Narayan Prasad, J.)

(Deepak Roshan, J.)

11th March, 2026
Samarth