



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1197 of 1990

Ram Sumer Rai and others

.....Appellant(s)

Versus

State

.....Respondent(s)

Counsel for Appellant(s) : Gajendra Pratap, Kumar Amit
Counsel for Respondent(s) : A.G.A.

Court No. - 44

HON'BLE J.J. MUNIR, J.

HON'BLE VINAI KUMAR DWIVEDI, J.

Bailable warrants of arrest were issued way back on 30.03.2018 against all the appellants, who surrendered before the learned Chief Judicial Magistrate, Ghazipur and furnished personal bonds along with two reliable sureties and an undertaking to appear before this Court, with the exception of Awadh Bihari Rai and Tileshwar Rai, appellant nos. 4 and 6, respectively, who are reported to be dead.

We have perused the report dated 26.03.2018 submitted by the learned Chief Judicial Magistrate, Ghazipur. It clearly indicates that appellants, Awadh Bihari Rai and Tileshwar Rai, are dead. This conclusion is based on a written report submitted by the Village Pradhan and the inquiry done by a Sub-Inspector from Police Station Bhawarkola, District Ghazipur, who ascertained facts from the next of kin of the deceased. The relatives of the deceased appear to have made statements before the learned Chief Judicial Magistrate, testifying to the fact that the two appellants were dead.

In the circumstances, we hold this appeal to have **abated** on behalf of appellant nos. 4 and 6, to wit, Awadh Bihari Rai and Tileshwar Rai.

Let the abatement be recorded on behalf of these appellants in the cause title.

So far as the remainder of the appellants, that is to say, appellant nos. 1, 2, 3 and 5 are concerned, they have never appeared before this Court, despite submitting to the bailable warrants and furnishing necessary

personal bonds and sureties, besides the undertaking.

We, accordingly, direct **non-bailable warrants** of arrest to be issued against **Ram Sumer Rai, Ram Bachan Rai, Ram Nagina Rai and Sheo Prasad Rai**, appellant nos. 1, 2, 3 and 5, respectively, through the learned Chief Judicial Magistrate, Ghazipur, requiring the said appellants to be arrested and produced before this Court in custody on 22.01.2026 at 02:00 p.m.

The Superintendent of Police, Ghazipur is ordered to ensure that these warrants of ours are executed and not returned unexecuted, unless any of the appellants are dead or beyond the Indian shores. In the last of the two contingencies, evidence about the concerned appellant's death or migration shall be annexed.

The Superintendent of Police shall bear caution that no warrant is returned on ground that the appellant concerned is not available within the district of Ghazipur or his whereabouts not known.

Adjourned to **22.01.2026**.

To be taken up in the cause list of the day at **02:00 p.m.**

The Registrar (Compliance) is directed to communicate this order to the learned Chief Judicial Magistrate, Ghazipur and through her, to the Superintendent of Police, Ghazipur **within 24 hours next**.

(**Vinai Kumar Dwivedi,J.**) (**J.J. Munir,J.**)

January 7, 2026

I. Batabyal