

02/07/26

Order on point of sentence:

1. Today, the case record is fixed for hearing on the point of sentence. Convicted persons namely Anita Kumari, and Jaiprakash Mandal, have been physically produced from judicial custody. Since convicted persons has been held guilty for the offence u/s 302/34, and 201/34 of the I.P.C, and accordingly they are convicted thereunder (Judgment dt. 16-06-2026), so, the provision of section 360 of Cr.P.C. or the provisions of Probation of Offender's Act, 1958 are not applicable in this case. The Learned Counsel for the convicts, and the Learned A.P.P. Dev Shankar Jha, are present in the Court. Heard the arguments on point of sentence on behalf of prosecution, as well as of the defence.

2. The Ld. Counsel of convicts has submitted that convict persons belongs to the poor family. Further, convicted persons are very young persons, having no prior criminal antecedent at all. That the convicted persons have never tried to disturb, or delay the court proceedings. It has been further submitted that the convict person Jaiprakash Mandal is sole bread earner of his family. Ld. defence counsel has further prayed that from facts and circumstances of this case, it is quite clear that this case does not fall in the category of the "rarest of rare" cases. Accordingly, Ld. Counsel for defence has prayed for taking leniency, and capital punishment may not be imposed upon convict-accused persons.

3. The Learned A. P.P., on the other hand submitted that a deterrent, and firm sentence may be awarded to the Convict persons, because the facts and circumstance of this case clearly go to show that this case certainly false in the category of rarest of rare case. The brutality of their criminal act is evident from the fact of this case. Therefore, the convict does not deserve any leniency, and deserve only for capital punishment. The Ld. A.P.P. further submitted that the prime object of the Criminal justice delivery system is the protection of society from crime, and deterring the criminal, and that is required to be achieved by imposing an appropriate sentence. Ld.A.P.P. further submitted that the convict has committed an offense which harms, and affects the whole society. Rather, it has shaken the very basic foundation of human society. Hence, in order to regain the faith of the people in criminal justice delivery system, the convict persons must be awarded maximum sentence.

4. I have heard both the sides on the point of sentence, considered the rival contentions, and perused the case record. The punishment for offence of murder is provided u/s 302 of the I.P.C. which is as under: Section 302. Punishment for murder. " Whoever

commits murder shall be punished with death, or [imprisonment for life], and shall also be liable to fine” I have also perused the section 354 (3) of the Cr.P.C. As per this provision capital punishment of Death Sentence may be awarded only for some special reasons. Therefore, as per provision of law it is must to assign special reason for imposing death sentence. Hence, it is quite clear that imposition of death sentence is an exception in terms of sub section (3) of the Cr.P.C. No doubt that convict-accused has been convicted u/s 302/34 of the I.P.C for committing murder. But in the light of submission made by ld. A.P.P. for the state, as well as ld. Defence counsel for convicts, now the question that arises for consideration is, what should be the sentence to be awarded to the convict accused persons.

5. So in this light the case law of **Bachan Singh Vs. State of Punjab(1980) 2 S.C.C. 684** as well as other rulings of Hon’ble Apex court are taken up, and following propositions emerged there from:-

- (i) The extreme penalty off death need not be inflicted except in gravest cases of extreme culpability.
- (ii) Before opting for the death penalty the circumstances of the "offender" also require to be taken into consideration along with the circumstances of the "crime".
- (iii) Life imprisonment is the rule and death sentence is an exception. In other words, death sentence must be imposed only when life imprisonment appears to be an altogether inadequate.
- (iv) A balance sheet of aggravating and mitigating circumstances has to be drawn up, and in doing so the mitigating circumstances have to be accorded full weightage and a just balance has to be struck between the aggravating and the mitigating circumstances before the option is exercised.

6. Further in the case of **Om Prakash Vs State of Haryana (1999) 3 S.C.C. 19** it has been explained as to why death sentence will not be proper and what are the relevant factors to be considered and it has further been observed that the court must balance the mitigating and aggravating circumstances of the accused, the dispute between the families which ultimately resulted in multiple murder. But the Hon’ble Apex Court came to the conclusion that it was not a fit case which would fall within the ambit of "Rarest of rare cases" Now in the light of observation made by Hon’ble Apex Court in the aforesaid referred cases, this court is bound to consider as to whether the present case would come within the realm of the "Rarest of rare cases" or not. In the case in hand, for coming on right conclusion it would be expedient to note mitigating as well as aggravating circumstance of this case related with convict-accused as well crime in question, which is as follows:-

“Mitigating Circumstances: The mitigating circumstances of this case is as follows :-

1. Convicts are not hard core criminals,
2. They are not threat/ menace to the Society,
3. They had no criminal antecedent/ background,
4. They are not antisocial elements,
5. Their conduct in Jail has been satisfactory,
6. The State has failed to prove that convicts are incapable of being reformed
7. That convicts have been in Jail custody for variable periods.
8. Death sentence is exception and life-imprisonment is rule,
9. There is very probability of reformation and rehabilitation of convict-accused.

Aggravating Circumstances: Aggravating circumstances of this case are as follows:-

1. Convict-accused caused the cold blooded murder.
2. Convict-accused can be threat to family of deceased.
3. Convict-accused had deliberately planned the murder of deceased.

7. Further in the light of order passed by Hon'ble Apex Court in **Cr. Appeal No-248-250 of 2015 dated 20 May 2022, Manoj Vs The state of Madhya Pardesh**, in which all the earlier rulings of Hon'ble Apex Court has been looked into, this case does falls in category of exception, and aggravating circumstances had outweighed the mitigating circumstances. Although prosecution has failed to adduce any evidence regarding the criminal antecedent of accused persons, but from perusal of para-70 of case diary, it is evident that accused Jaiprakash Mandal had one criminal antecedent bearing Laukahi P.S case no-35/21 u/s 272, 273 of I.PC and 30(a) Excise Act. Here it is important to recapitulate the whole sequence of events, leading to death of two children. From admission of co accused Anita Devi in statement u/s 313 of Cr.P.C, it is quite clear that she is in love with co accused Jaiprakash Mandal. Anita Devi along with her two children came out of her matrimonial house on pretext of going to her parent house. Anita Devi went with her lover Jaiprakash Mandal on a Santro car. There, near Balan river, Jai Prakash parked his car, and took the children with him. Jaiprkash by putting Shristi Kumari on her shoulder and holding the hand of Prince Kumar, proceeded towards Balan river. On way Jaiprakash first twisted the neck of Shristi Kumari who was aged only one and half years with his bare hands. Thereafter, when Prince Kumar who was aged about four years, tried to flee, he was caught, pinned down, and Jaiprakash twisted his neck, and killed him. While the whole occurrence was going on, mother of children, Anita Devi kept on sitting in car, and

mutely seeing the occurrence, with her naked eyes. Jaiprakash threw the bodies of victims in Balan river. This conduct itself shows that convict persons had come in premeditated way to take the lives of two innocent children. The whole sequence shows that convicted persons in premeditated way had cold bloodedly took the lives of two innocent children. Even exhibit-5 which is pen drive, and contains photograph and videos, shows that since it was day time, many villagers had gathered, and they took out the bodies of children from river. Accused persons were caught by the onlookers, and witnesses of the case. Thereafter, public outrage was so much that police took the accused persons away from them, and after giving first aid at a hospital, took them in custody. There is no plausible explanation to the fact that how come a mother along with her lover, can kill her two innocent children without any motive.

8. Here aggravating circumstances are-1)Convict Jaiprakash Mandal bears criminal antecedent, 2) Convicts had brutally murdered, and took lives of two innocent children, without having any motive, 3) Own mother is convict in this case, and the whole occurrence took place in front of her naked eyes, and 4)Accused persons are threat to society at large, and informant's family in particular. In **Dhnanjay Chatterjee V/S The State of West Bengal SCC(2), 220** Hon'ble Apex Court has laid down the following principles of punishment in para-15 of the judgment which is as follows-" In our opinion the measure of punishment in a given case must depend on the atrocity of the crime, the conduct of criminal, and defenseless and unprotected state of the victim. Imposition of the appropriate punishment is the manner in which the court responds to the society cry for justice against the criminals." Thus, looking to the matter from all angles, and after giving my serious consideration to the whole matter, this Court is of this definite opinion that case in hand does fall within the category of "rarest of rare cases" where death sentence is warranted to the convict for committing the offence u/s 302/34 of the I.P.C. Accordingly, in the given facts and circumstances of this case, and taking into account all the details of this case, and the resultant findings mentioned above, all the accused convicts namely Anita Devi and Jaiprakash Mandal are sentenced to death, and fine of Rs.50,000/- each for offence u/s 302/34 of I.P.C. In case of default in payment of fine, the defaulter convicts shall undergo a further period of Six (6) Months Rigorous Imprisonment in addition to the sentence. For the charge of offence punishable under section 201/34 of I.P.C, convicted persons namely Anita Kumari, and Jaiprakash Mandal are sentenced to undergo Rigorous Imprisonment for seven (7) years and a fine of Rs 10,000/- (Ten thousands only) each. In case of default in payment of fine, the defaulter convicts shall undergo a further period of Three (3) Months Rigorous imprisonment

in addition to the sentence. All the punishments shall run concurrently, and the period already undergone in custody (if any) during trial by the Convicts shall be set off as per the provisions of section 428 Cr.P.C. and other Rules & Provisions.

However, execution of death sentence passed against the convict Jaiprakash Mandal, and Anita Devi shall not be executed unless it is confirmed by the Hon'ble Patna High Court, Patna, u/s 366 of the Cr.P.C.

9. The convicts are hereby informed that they have the right to prefer an appeal against this judgment before the Hon'ble High Court, Patna. They are hereby apprised that in case they can not afford to engage an advocate, they are entitled for legal aid. In view of facts and circumstance of this case and the materials available on the judicial record, it appears that the deceased were small children of informant. Keeping in view the seriousness of the offence of Murder, and the physical, and mental trauma undergone by the victim ie father/informant of deceased children, it is hereby recommended that the compensation in terms of Section 357 of the Cr.P.C. be paid to the victims, who falls within the definition of victim under section 2 (wa) of the Cr.P.C. Let the copy of this judgment be forwarded to the Secretary, District Legal Services Authority, Madhubani, for verification of the victim, and to take appropriate steps for deciding the quantum of compensation to be awarded to the victim in terms of Section 357-A (2) & (5) of the Cr.P.C. Accused are remanded to jail with Death warrant. Accordingly, the Office is directed to prepare Death Warrant, and send the same to jail authority, along with copy of judgment and sentence. Let a Copy of this judgment, and order of sentence be furnished to all the Convicts free of cost, in compliance of Section 363 of Cr.P.C. Further, Let a copy of this judgment and order of sentence be sent to the District Magistrate, Madhubani (Bihar), for information and needful, in compliance of Section 365 of Code of Criminal Procedure,1973, and Secretary, District Legal Services Authority, Madhubani for needful. Office clerk is directed to send the original record along with judgment and sentence to Hon'ble Patna High Court for confirmation of death sentence.

Dictated and corrected by me:

(Abhishek Ranjan)
Addl. Sessions Judge-II
Jhanjharpur
Date-02.07.2026

(Abhishek Ranjan)
Addl. Sessions Judge-II
Jhanjharpur
Date-02.07.2026

Present-Abhishek Ranjan
Addl. Sessions Judge-II, Jhanjharpur,
Session Trial No.655/2023
State V/S Anita Devi & Ors.
Judgment Dated: 16.06.2026
Sentence Dated: 02.07.2026

As per ADDENDA AND CORRIGENDA TO CRIMINAL COURT RULES OF THE HIGH COURT OF JUDICATURE AT PATNA (VOLUME-1) (THIRD EDITION)C.S. NO.-98,

The 26th November 2021

FORM A

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II, Jhanjharpur at Madhubani. Present:- SRI ABHISHEK RANJAN, ADDL. SESS. JUDGE-II, Jhanjharpur [Date of Judgment-16/06/2026] [Case No-655/2023] FIR No-114/2023. Dated-10/07/2023 Police Station- Ghoghardiha	
Complainant	Pramod Kumar Safi
REPRESENTED BY	Sri. Devshankar Jha(Ld.A.P.P) Sri.Jagdish Prasad Yadav
ACCUSED	1)Anita Devi & 2)Jaiprakash Mandal
REPRESENTED BY	(Ld. Counsel) Sri.Baleshwar Gurmait, Sri Shib Chandra Kumar

FORM B

Date of offence	10/07/2023
Date of FIR	10/07/2023
Date of Chargesheet	28/09/2023
Date of Framing of Charges	07/11/2023
Date of commencement of evidence	16/02/2024
Date on which Judgment is reserved	04/06/2026
Date of Judgment	16/06/2026
Date of the Sentencing Order, if any	02/07/2026

Present-Abhishek Ranjan
Addl. Sessions Judge-II, Jhunjharpur,
Session Trial No.655/2023
State V/S Anita Devi & Ors.
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Accused Details

Rank of the Accused	Name of Accused	Date of arrest	Date of release on bail	Offences charged with	Whether Acquitted or Convicted	Sentence imposed	Period of detention undergone during trial for purpose of section 428 Cr. P.C.
1.	Anita Devi	11/07/23	Not released on bail	302/34 and 201/34 of I.P.C	convicted	Convict Anita Devi is sentenced to death, and fine of Rs.50,000/- each for offence u/s 302/34 of I.P.C. In case of default in payment of fine, the defaulter convict shall undergo a further period of Six (6) Months Rigorous Imprisonment in addition to the sentence. For the charge of offence punishable under section 201/34 of I.P.C, convicted person namely Anita Kumari, is sentenced to undergo Rigorous Imprisonment for seven (7) years and a fine of Rs 10,000/- (Ten thousands only) each. In case of default in payment of fine, the defaulter convict shall undergo a further period of Three (3) Months Rigorous imprisonment in addition to the sentence. All the punishments shall run concurrently, and the period already undergone in custody (if any) during trial by the Convict shall be set off as per the provisions of section 428 Cr.P.C. and other Rules & Provisions.	2 years 11 months & 22 days
2.	Jaiprakash Mandal	11/07/23	Not released on bail	302/34 and 201/34 of I.P.C	convicted	Convict Jaiprakash Mandal is sentenced to death, and fine of Rs.50,000/- for offence u/s 302/34 of I.P.C. In case of default in payment of fine, the defaulter convict shall undergo a further period of Six (6) Months Rigorous Imprisonment in addition to the sentence. For the charge of offence punishable under section 201/34 of I.P.C, convicted person namely Jaiprakash Mandal is sentenced to undergo Rigorous Imprisonment for seven (7) years and a fine of Rs 10,000/- (Ten thousands only). In case of default in payment of fine, the defaulter convict shall undergo a further period of Three (3) Months Rigorous imprisonment in addition to the sentence. All the punishments shall run concurrently, and the period already undergone in custody (if any) during trial by the Convict shall be set off as per the provisions of section 428 Cr.P.C. and other Rules & Provisions.	2 years 11 months & 22 days

FORM C
LIST OF PROCESUTION / DEFENCE / COURT WITNESSES

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Pramod Kumar Safi	Informant
PW2	Shyam Kumar Yadav	Eye Witness
PW3	Dr. Ravi Prakash	Medical Witness
PW4	Shailendra Kumar Singh	Eye Witness
PW5	Md. Rahmat	Eye Witness
PW6	Dinesh Kumar Singh	Police Witness
PW7	Dr. Kunal Shankar	Medical Witness

Page no.

Addl. Session Judge-XVII, Patna, S.Tr. Case no.-.....

B. Defence Witness, if any

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	NIL	NIL

B. Court Witness, if any

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	NIL	NIL

LIST OF PROSECUTION /DEFENCE / COURT EXHIBITS

A. Prosecution

Sr. No.	Exhibit Number	Description
1.	Exhibit P-1	Signature of informant on fardbyan
2	Exhibit P-2	Postmortem report of Sristhi Kumari

Present-Abhishek Ranjan
Addl. Sessions Judge-II, Jhanjharpur,
Session Trial No.655/2023
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3.	Exhibit P-3	Charge sheet
4.	Exhibit P-4	Postmortem report of Prince Kumar
5.	Exhibit P-5	Pen Drive

B. Defence

Sr. No.	Exhibit Number	Description
1.	NIL	NIL

C. Court Exhibits

Sr. No.	Exhibit Number	Description
1.	NIL	NIL

D. Material Object

Sr. No.	Material Object Number	Description
1.	NIL	NIL

Dictated and corrected by me :

(Abhishek Ranjan)
Addl. Sessions Judge-II,
Jhanjharpur
Dated-02/07/2026

(Abhishek Ranjan)
Addl. Sessions Judge-II,
Jhanjharpur
Dated-02/07/2026