

In The Court of Sri Sunil Kumar III, DASJ-VI, Danapur.
Sessions Trial No. 346/2023 & 968/2023
State Vs Raushan Kumar & Ors
Date of Judgment: 14.07.2026
IN THE COURT OF Distt. & ADDL. SESSIONS JUDGE- VI, DANAPUR

Present- Sri Sunil Kumar III
Distt & Addl. Sessions Judge-VI, Danapur.
Date of Order-14.07.2026

In Ref: Sessions Trial No. ^{346 /2023} _{968 /2023}
CNR No.BRPA010193602023
F.I.R.No. 1362/2022,
P.S. Dananpur

In the matter of:-

State of Bihar		Prosecution
Vs		
Rohit Kumar aged about 30 Yrs S/o Late Pappu Yadav r/o- Dhobi Tola, PS- Danapur, District- Patna		Convict

Accused was convicted vide Judgment dated 07.07.2026.
Arguments heard on the point of sentence on today.

Order on Sentence

Later on
at 03:30 P.M.
14.07.2026

Present:- The Convict Rohit Kumar in J/C alongwith his Ld. Counsel
Sri Anil Kumar Singh, Ld. Advocate.
Md. Kalam Ansari, Ld. Addl. Public Prosecutor for the state.

I have already heard the arguments advanced from both the sides on the point of sentence. The Ld. Addl. Public Prosecutor has prayed for the maximum punishment, contending that the murder was committed in a barbaric and gruesome manner to avenge the deceased for being a witness in an earlier criminal case FIR vide Danapur PS case No. 1082/2022 (Ext.6) and also due to previous enmity. It is submitted that the multiple incised injuries on the neck, face, chest, thigh, and private parts of the deceased demonstrate extreme brutality.

Learned counsel for the convict, on the other hand, submits that the convict is about 30 years of age, belongs to an ordinary family, has responsibilities towards his family, and deserves an opportunity for

reformation. It is also submitted that the co-accused persons have been acquitted and there is no material to show that the convict is beyond reform. Ld. Counsel for the convict further raised contentions on the issues of the age of the convict, socio-economic condition with back-ground of the convict. The Ld. Counsel for the convict submitted that a lenient view may be taken while awarding sentence to the convict and prayed for minimum sentence be awarded.

In this case, nothing is on the record to show the previous criminal antecedent by placing any previous judgment of conviction against the convict but this case is of committing the offence of murder of a young boy who was dragged and assaulted with knife repeatedly as there were several sharp cut wounds found on his body where the convict is also of young age about 30 Yrs and no previous conviction against him. However, there is police case registered FIR vide Danapur PS case No. 1082/2022 (Ext.6) against him lodged by one Vikash Kumar where the police found the case against him true and submitted chargesheet (Ext.7) against the convict and also against co-accused in which deceased was cited as witness. The Court has carefully considered the rival submissions. The murder was undoubtedly heinous. The evidence establishes that the deceased was assaulted with a sharp-cutting weapon causing multiple injuries on vital parts of the body. The motive of retaliation against a witness in a criminal case is a serious aggravating circumstance; as such conduct tends to undermine the administration of criminal justice.

At the same time, while considering whether the extreme penalty of death should be imposed, this Court is bound by the principles laid down in Bachan Singh and Machhi Singh Cases. The death penalty can be awarded only in the "rarest of rare" cases where the alternative option of life imprisonment is unquestionably foreclosed. The possibility of reformation and rehabilitation of the offender is also to be considered.

In the present case, the convict is about 30 years of age. No evidence has been brought on record regarding his psychological assessment, prison conduct, or any other material to establish that he is incapable of reformation or that he would remain a continuing menace to society. The prosecution has not placed before the Court any material to show that the alternative punishment of imprisonment for life would be wholly inadequate.

Having balanced the aggravating and mitigating circumstances, this Court is of the considered opinion that, though the offence is grave and deserves stern punishment, it does not fall within the category of the "rarest of rare" cases warranting the death penalty.

Accordingly, in order to meet the ends of justice, the convict Rohit

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Kumar is sentenced to rigorous imprisonment for life for the remainder of his natural life, subject to any remission or commutation that may be granted strictly in accordance with law, and also to pay fine of ₹25,000/-(Twenty-Five Thousand Only). In default of payment of fine, he shall undergo simple imprisonment for a further period of Six Months. The period of detention already undergone during investigation and trial shall be set off in accordance with law.

The convict is informed of his right to prefer an appeal against this judgment and order of sentence before the Hon'ble Court within the prescribed period.

I also recommend that appropriate compensation, under section 357-A, Cr.P.C/u/s 396 BNSS be awarded to the victim identified as the mother of the deceased Rahul Kumar and she is the informant Soni Devi s/o Raju Rai, R/O Vill. Jhun-Jhun Road, Lohari Gali, P.S. Danapur, District-Patna, and hence a copy of the judgment as well as the order of sentence be sent to the Secretary, District Legal Service Authority, Patna, for deciding the quantum of compensation to be awarded under the victim compensation scheme as referred under section 357A, Cr.P.C/u/s 396 BNSS

Attested copy of the Judgment & order of sentence be given to the convict free of cost.

Typed, Corrected & pronounced

by me in open court

**Sunil Kumar III
(ASJ-VI, Danapur)
14.07.2026**

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