

In the Court of Deepak Kumar, Principal Sessions Judge, Sheohar

Sessions Trial No. -83/2024

(Tariyani PS Case No.-190/2023)

CNR No. -BRSO01-002457-2024

State Vrs. Deepak Kumar & Others

On the Point of Sentence

Date : - 15.05.2026

Both the convicted accused persons namely, Deepak Kumar and Mantu Kumar have been produced from judicial custody. I have already heard the learned Counsel for both the convicted accused persons and the learned Counsel for the State on the point of sentence on 14.05.2026.

1. The learned Counsel for the convicted accused persons submitted that both the convicted accused persons have cooperated during the course of trial. They are only member of their respective family who earns livelihood. They have no criminal antecedent. They are young in age and have bright prospect in their life. They have no one to look after their parents and children and wife is also not in job. It is not a rarest of rare case.

2. It has been submitted by the learned Counsel for the State that no leniency is required in awarding sentence considering the nature of weapon used to kill the deceased. The offence was not committed all of a sudden. Offence is heinous in nature. Convicted accused Deepak Kumar was own brother-in-law of the deceased who reposing faith upon him came to meet him but Deepak Kumar had some ulterior intention to do against him. His overt act has adverse impact on the

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society. No one will ever repose faith upon his close relative, as such it comes within the ambit of rarest of rare case.

3. In State of Punjab v. Bawa Singh, (2015) 3 SCC 441 : (2015) 2 SCC (Cri) 325 : 2015 SCC OnLine SC 41 the Hon'ble Supreme Court has been pleased to observe as follows:-

10. In our considered opinion, the High Court while passing the impugned order has completely failed to follow the principles enunciated by this Court in a catena of decisions. Undue sympathy by means of imposing inadequate sentence would do more harm to the justice system to undermine the public confidence in the efficacy of law and the society cannot endure long under serious threats. If the courts do not protect the injured, the injured would then resort to personal vengeance. Therefore, the duty of any court is to award proper sentence having regard to the nature of the offence and the manner in which it was committed. (See Sevuka Perumal v State of T.N., 1991 SCC (Cri) 724)

16. We again reiterate in this case that undue sympathy to impose inadequate sentence would do more harm to the justice system to undermine the public confidence in the efficacy of law. It is the duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed. The sentencing courts are expected to consider all relevant facts and circumstances bearing on the question of sentence and proceed to impose a sentence commensurate with the gravity of the

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offence. The court must not only keep in view the rights of the victim of the crime but also the society at large while considering the imposition of appropriate punishment. Meagre sentence imposed solely on account of lapse of time without considering the degree of the offence will be counterproductive in the long run and against the interest of the society.

4. After giving due consideration to the facts and circumstances of the case, considering the age of the convicted accused persons, manner in which crime has been done and role played by both the convicted accused, convicted accused Deepak Kumar is hereby sentenced to undergo rigorous imprisonment for life under section 302/34 of the Indian Penal Code and fine of rupees five thousand (Rs. 5,000/-) and rigorous imprisonment for life under section 120(B) of the Indian Penal Code and fine of rupees four thousand (Rs. 4,000/-) and rigorous imprisonment for five years and a fine of rupees two thousand (Rs. 2,000/-) under section 201/34 of Indian Penal Code. In case of default in payment of fine of Rs.5,000/-, he shall further undergo imprisonment for six months and in respect of default in payment of fine of Rs. 4,000/- he shall further undergo imprisonment for three months and in respect of default in payment of fine of Rs. 2,000/- he shall further undergo imprisonment for one month. All the three punishment shall run concurrently.

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Convicted accused namely Mantu Kumar is hereby sentenced to undergo rigorous imprisonment for life under section 302/34 of the Indian Penal Code and fine of rupees five thousand (Rs. 5,000/-) and rigorous imprisonment for life under section 120(B) of the Indian Penal Code and fine of rupees four thousand (Rs. 4,000/-) and rigorous imprisonment for five years and a fine of rupees two thousand (Rs. 2,000/-) under section 201/34 of Indian Penal Code. In case of default in payment of fine of Rs.5,000/-, he shall further undergo imprisonment for six months and in respect of default in payment of fine of Rs. 4,000/- he shall further undergo imprisonment for three months and in respect of default in payment of fine of Rs. 2,000/- he shall further undergo imprisonment for one month. All the three punishment shall run concurrently.

5. The period already undergone by each of the convicted accused persons during the course of investigation and trial of this case shall be set off in substantive sentence.

6. Matter be also referred to District Legal Service Authority, Sheohar for compensation to the family/ Legal Representative of the deceased. Accordingly compensation be given to the legal heirs of the deceased under victim compensation scheme. Copy of the judgment and sentence order be sent to the Secretary, District Legal Service Authority, Sheohar for needfull.

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7. The convicted are informed that they have right to prefer appeal against the judgment. They have been apprised that in case they cannot afford to engage an Advocate, they can approach the Legal Aid Cell, functioning in Sheohar Jail or write to the Secretary, District Legal Services Authority or Patna High Court Legal Services Committee, Patna High Court Campus, Patna.
8. Let warrant of imprisonment be prepared accordingly. Office is directed to give copy of judgment to all the convicted accused persons and also to send a copy of judgment to District Magistrate, Sheohar.

Dictated and corrected by me.

Sd/-
(Deepak Kumar)
Principal Sessions Judge,
Sheohar
Dated: 15.05.2026

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(Deepak Kumar)
Principal Sessions Judge,
Sheohar
Dated: 15.05.2026

Date of Sentence	15.05.2026
Date of Reserving Sentence	14.05.2026
Uploading Date	15.05.2026
Uploaded By	Sanjeev Kumar, (Steno)