

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (DB) No. 483 of 2025**

Arising Out of PS. Case No.-753 Year-2020 Thana- ARA NAWADA District- Bhojpur

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Vittu Kumar Ray @ Bittu Kumar Rai, son of Sri Vijay Kumar Rai @ Vijay Ray, resident of village- Basara, P.S- Sikrahata, District- Bhojpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

**CRIMINAL APPEAL (DB) No. 1527 of 2024**

Arising Out of PS. Case No.-753 Year-2020 Thana- ARA NAWADA District- Bhojpur

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Chandan Kumar Rai son of Rama Kant Kumar Rai @ Ramakant Ray, resident of Village- Bishnu Nagar Ara, Ps - Ara Nawada, Dist- Bhojpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

**CRIMINAL APPEAL (DB) No. 172 of 2025**

Arising Out of PS. Case No.-753 Year-2020 Thana- ARA NAWADA District- Bhojpur

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Suman Kumar Rai @ Suman Rai S/o Umesh Rai R/o vill-Jagdeo Nagar, P.S.- Ara Nawada, Distt.- Bhojpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance:**

(In CRIMINAL APPEAL (DB) No. 483 of 2025)

For the Appellant/s : Mr. Ajay Kumar Thakur, Advocate  
Mrs. Vaishnavi Singh, Advocate  
For the Respondent-State: Ms. Shashi Bala Verma, APP  
For the informant : Mr. Dr. Ranjit Kumar, Advocate  
Mr. Rishikesh Ojha, Advocate

(In CRIMINAL APPEAL (DB) No. 1527 of 2024)

For the Appellant/s : Mr. Ajay Kumar Thakur, Advocate  
Mrs. Vaishnavi Singh, Advocate  
For the Respondent-State: Ms. Shashi Bala Verma, APP  
For the informant : Mr. Dr. Ranjit Kumar, Advocate  
Mr. Rishikesh Ojha, Advocate



(In CRIMINAL APPEAL (DB) No. 172 of 2025)

For the Appellant/s : Mr. P. N. Shashi, Sr. Advocate  
Mr. Awadhesh Kumar Pandey, Advocate  
For the Respondent-State: Ms. Shashi Bala Verma, APP  
For the informant : Mr. Sanjay Kumar Tiwari, Advocate

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**

**and**

**HONOURABLE MR. JUSTICE PRAVEEN KUMAR**

ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)**

6 16-01-2026 Heard Mr. Ajay Kumar Thakur, the learned counsel appearing for the appellants of the first and the second case, Mr. P. N. Shahi, the Ld. Senior Counsel appearing for the appellant of the third case, the learned APP for the State Ms. Shashi Bala Verma and Dr. Ranjit Kumar, Advocate as also Mr. Sanjay Kumar Tiwari and Mr. Rishikesh Ojha, the learned counsels appearing for the informant, in the aforesaid appeals.

**CRIMINAL APPEAL (DB) No.483 of 2025**

**AND**

**CRIMINAL APPEAL (DB) No. 172 of 2025**

2. After some arguments, the learned senior counsel/counsel appearing for the appellants of the first case, namely Vittu Kumar Ray @ Bittu Kumar Rai and of the third case, namely Suman Kumar Rai @ Suman Rai seek not to press the prayer for suspension of sentence and grant of bail qua the said appellants for the present, however, submit that liberty be reserved to them to file appropriate petition for suspension of



sentence and grant of bail as and when advised.

3. The learned APP for the State and the learned counsels for the informant have got no objection.

4. Accordingly, the prayer of the aforesaid appellants for suspension of sentence and grant of bail is dismissed as not pressed for the moment, however liberty is reserved to them to file a fresh petition for suspension of sentence and grant of bail as and when advised.

**CRIMINAL APPEAL (DB) No. 1527 of 2024**

5. The present appeal has been filed against the judgement of conviction and the order of sentence dated 25.11.2024 and 28.11.2024 respectively passed by the learned Court of Additional Sessions Judge-VIII, Bhojpur at Ara in Sessions Trial No.23 of 2022, arising out of Ara Nawada P.S. Case No.753 of 2020 whereby and whereunder the appellant of the present case has been convicted 302/34 and 307 of the Indian Penal Code (hereinafter referred to as “the IPC”) and Section 27 of the Arms Act. The present appellant has been sentenced to undergo rigorous imprisonment (RI) for life under Section 302 of the IPC with fine of Rs.25000/- and in default of payment of the same, he has been further directed to undergo simple imprisonment for six months. The appellant has also been



sentenced to undergo RI for 10 years under Section 307 of the IPC with fine of Rs.25000/- and in default of payment of the same, he has been further directed to undergo simple imprisonment for six months. The present appellant has been sentenced to undergo rigorous imprisonment for three years under Section 27 of the Arms Act with fine of Rs.10,000/- and in default thereof, he has been directed to further undergo simple imprisonment for three months. All the sentences have been directed to run concurrently.

6. Short facts of the case, as per the written report of the informant, namely Sitaram Singh (PW-4) is that on 27.09.2020 at about 4:30 pm in the evening, he along with his second son, namely Dharmendra Kumar Singh (PW-3) was going to Jagdeo Nagar for some personal work and when they had reached the road situated west of Durga Temple, they met the other son of the informant, namely Upendra Kumar Singh @ Mithun Singh (deceased) and one Prince Bajrangi (PW-1), whereupon the informant asked them as to where they were going, when all of a sudden, from the eastern side 3-4 accused persons had arrived there with pistol in their hands, whereafter they started firing indiscriminately resulting in the death of Upendra Kumar Singh @ Mithun Singh, while Prince Bajrangi (PW-1) got injured. Thereafter, one of the accused took the



name of Suman and Bittu and told them to flee away as the work has been done, whereafter one another accused took the name of Rishu, after which all the three accused persons fled away brandishing arms in their hands. The informant has further stated that the reason for the incident is land dispute.

7. On the basis of the aforesaid written report of the informant, namely Sitaram Singh dated 28.09.2020, Ara Nawada P.S. Case No.753 of 2020 dated 28.09.2020 was registered under Sections 302, 307 and 120-B of the IPC as also under Section 27 of the Arms Act against Suman, Bittu, Rishu and Deepak Kumar.

8. The records of this appeal have been placed before this Court to consider the prayer of the appellant for suspension of his sentence and release on bail during the pendency of the appeal.

9. The learned counsel for the present appellant has submitted that a bare perusal of the FIR would show that the name of the present appellant has not been taken by the informant and he has not been named in the FIR. It is further submitted that a bare perusal of the evidence of the prosecution's witnesses, i.e PW-1 to PW-5 would show that none of them have named the present appellant to be perpetrator of crime. As far as PW-6 is concerned, he is the investigating



officer of the present case, while PW-7 is the doctor who had examined the injuries inflicted on PW-1 and had also conducted the postmortem examination of the dead body of the deceased. Thus, it is submitted that there is no evidence on record to even remotely prove the guilt of the present appellant beyond all reasonable doubts.

10. *Per contra*, the Ld. counsel for the informant as also the Ld. APP for the State have though stated that the guilt of the appellants of the 1<sup>st</sup> and 3<sup>rd</sup> case has stood proved beyond all reasonable doubts, however they have not been able to show from the evidence on record that the guilt of the appellant of the present case has stood proved beyond all reasonable doubts.

11. Having heard the learned counsel for the parties and having cursorily perused the evidence on record, we *prima facie* find that there is virtually no evidence on record to prove the guilt of the present appellant beyond all reasonable doubts. Thus, taking a holistic view of the facts and circumstances of the case and considering the submissions advanced by the learned counsel for the parties, we *prima facie* find that the impugned judgement of conviction qua the present appellant might not be sustainable, hence we find that a case for suspension of sentence and grant of bail during the pendency of



the appeal has been made out.

12. Accordingly, we direct suspension of order of sentence dated 28.11.2024 qua the present appellant, namely Chandan Kumar Rai as also direct to release him on bail, during the pendency of the appeal, on furnishing bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Bhojpur at Ara in Sessions Trial No.23 of 2022, arising out of Ara Nawada P.S. Case No.753 of 2020.

13. It is clarified that the observation made hereinabove are *prima facie* and tentative in nature for the purposes of consideration of the prayer of the appellant for suspension of sentence and grant of bail and shall not cause any prejudice to either of the parties at the time of hearing of the main appeal.

14. List this appeal for hearing in its own turn.

**(Mohit Kumar Shah, J)**

**(Praveen Kumar, J)**

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