

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (DB) No.128 of 2019**

Arising Out of PS. Case No.-141 Year-2017 Thana- MUFFASIL District- West Champaran

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Sunil Kumar, S/o Sri Paras Sharma, Village-Pokhanbhinda, P.S-Bettiah  
Muffasil, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Ramakant Sharma, Sr. Advocate  
For the Respondent/s : Mr. Dilip Kumar Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR  
and  
HONOURABLE MR. JUSTICE KHATIM REZA  
ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)**

8 10-04-2024

**Re.- I.A. No. 03 of 2024 :-**

Mr. Ramakant Sharma, the learned Senior Advocate seeks suspension of sentence of the appellant/applicant during the pendency of the appeal.

2. He is said to be in custody since 18.12.2018.

3. The appellant/applicant has been convicted under Sections 302/34 of the Indian Penal Code *vide*



judgment dated 18.12.2018 passed by the learned District & Sessions Judge, West Champaran, Bettiah, in Sessions Trial No. 551 of 2017 (CIS No. 483 of 2017, G.R. Case No. 1638 of 2017), arising out of Bettiah Muffasil P.S. Case No. 141 of 2017. By order dated 22.12.2018, the appellant has been sentenced to undergo imprisonment for life, to pay a fine of Rs. 50,000/- and in default of payment of fine, to further suffer imprisonment for two years under Sections 302/34 of the IPC.

4. The prayer for suspension for sentence was earlier rejected thrice by this Court and on the last occasion, despite I.A. No. 02 of 2023 having been filed for suspension of sentence, the matter was dismissed as not pressed.

5. It has been submitted on behalf of the appellant that he was not named in the FIR, but subsequently, during the course of investigation, his name transpired as having been seen last with the



deceased/victim. His mobile phone is said to have been recovered from the possession of co-convict/Navneel Neeraj. The case is based on circumstantial evidence.

6. Considering the nature of material collected against the appellant and his period of custody as also that there are no fair chances of this appeal being heard in near future, we are inclined to suspend the sentence of the appellant/applicant.

7. We order accordingly.

8. For the reasons afore-stated, the sentence of the appellant/applicant is suspended and he is directed to be released on bail, during the pendency of the appeal, on his furnishing bail bonds in sum of Rs. 10,000/- (ten thousand) with two sureties of like amount to the satisfaction of the learned District & Sessions Judge, West Champaran, Bettiah, in connection with Sessions Trial No. 551 of 2017 (CIS No. 483 of 2017, G.R. Case No. 1638 of 2017), arising out of Bettiah Muffasil P.S. Case No. 141 of 2017.



9. I.A. No. 03 of 2024 stands disposed off  
accordingly.

**(Ashutosh Kumar, J)**

**(Khatim Reza, J)**

Sauravkrishna/  
Praveen-II-

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