

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.188 of 2023

Arising Out of PS. Case No.-45 Year-2021 Thana- MAHILA P.S. District- Muzaffarpur

Suraj Kumar, male, aged about 23 years, S/o Harkhu Sahni, R/v- Bedauliya,
P.S.- Mushahari, District- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (DB) No. 597 of 2023

Arising Out of PS. Case No.-45 Year-2021 Thana- MAHILA P.S. District- Muzaffarpur

Jyoti Kumar, male, Son of Sri Anil Kumar Mishra, Resident of Ghiran
Chhapra, R.K. Ashram, P.S.- Bela, District- Muzaffarpur – 843116.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (DB) No. 188 of 2023)

For the Appellant/s : Mr. Arjun Prasad, Adv.

For the Respondent/s : Mr. Dilip Kumar Sinha, APP

For the Informant : Ms. Bela Singh, Adv.

Mr. Rajeev Ranjan, Adv.

(In CRIMINAL APPEAL (DB) No. 597 of 2023)

For the Appellant/s : Mr. Ravindra Kumar @ Ravindra Kr. Rai, Adv.



For the Respondent/s : Mr. Dilip Kumar Sinha, APP
For the Informant : Ms. Bela Singh, Adv.
Mr. Rajeev Ranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

6 15-02-2024 Both the appeals have been taken up together
on the issue of suspension of sentence.

2. Heard the learned counsel for the parties.

3. Both the appellants/applicants have been convicted for the offences under Sections 341, 342, 323, 506/34 and Section 376(D) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012 *vide* judgments dated 13.10.2022 and 25.03.2023 respectively passed by the learned 7th Addl. Sessions Judge-Cum-Special Judge, POCSO (W), Muzaffarpur in connection with G.R. No. 54 of 2021 and G.R. No. 10054 of 2021 respectively arising out of Muzaffarpur Mahila P.S. Case No. 45 of



2021. By orders dated 14.10.2022 and 27.03.2023 respectively, they have been sentenced to under R.I. for twenty years, to pay a fine of Rs. 50,000/- each and in default of payment of fine, to further suffer imprisonment for two years for the offences under Section 376(D) of the I.P.C. and Section 6 of the POCSO Act; to undergo imprisonment for one month, to pay a fine of Rs. 500/- each and in default of payment of fine, to further suffer imprisonment for one week for the offence under Section 341 of the I.P.C.; to undergo imprisonment for one year, to pay a fine of Rs. 1,000/- each and in default of payment for fine, to further suffer imprisonment for one months for the offence under Section 342 of the I.P.C.; to undergo imprisonment for one year, to pay a fine of Rs. 1,000/- each and in default of payment of fine, to further suffer imprisonment for one month for the offence under Section 323 of the I.P.C. and to undergo imprisonment for two years, to pay a fine of Rs. 1,000/- each and in



default of payment of fine, to further suffer imprisonment for three months.

4. All the sentences have been directed to run concurrently.

5. The allegation against both the appellants/applicants is of raping the victim, which allegation has been supported by her before the learned Trial Court.

6. Considering the nature of accusation against the appellants/applicants and the materials collected against them, we have not been persuaded to suspend their sentences during the pendency of the appeals.

7. The prayer for suspension of sentence of both the appellants/applicants is, accordingly, rejected.

8. However, considering the period of custody of the appellants/applicants and the mandate of Section 374(4) Cr.P.C., we deem it appropriate to give these appeals an early hearing.

9. Let the paper-book be prepared by the



Registry with urgent dispatch.

10. Both the appeals be listed for hearing in the first week of April, 2024, commencing from 01st of April.

(Ashutosh Kumar, J)

(A. Abhishek Reddy , J)

Praveen-II/-

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