

In the Court of the Sessions Judge, Khunti.

**Present : Rasikesh Kumar
Sessions Judge,
Khunti.**

Khunti, dated 18th day of July, 2026.

Sessions Trial No.03/2020.
CNR No.JHKH010000282020.

(Case committed to the Court of Sessions on 06-01-2020 by the learned Court of Sri Dinesh Bauri, the then learned J.M. 1st Class, Khunti arising out from Karra P.S. Case No.67/2019 corresponding to G.R. Case No.426/2019 u/s 302/201/120(B)/34 of the IPC.

State (through **Dashrath Mahto**, Informant) **Prosecution.**
Versus

1. Subhash Ram, aged about 33 years,
S/o Hari Ram.
Resident of village-Soso Toli, PS-Khunti,
District-Khunti.

2. Sandeep Kumar, aged about 41 years,
S/o Madhav Ram.
Resident of village-Soso Toli, PS-Khunti,
District-Khunti.

3. Kuldeep Mahto, aged about 40 years,
S/o Late Govind Mahto.
Resident of village-Ghunsuli, PS-Karra,
District-Khunti.

..... **Accused persons.**

Learned counsel for the State:- Sri Ved Prakash, P.P
Learned counsel for the defence:- Sri R.K. Jaiswal, Advocate.

Annexure - II

Date(s) of Offence	16/17-08-2019 (Night).
Date of F.I.R	17-08-2019.
Date(s) of Chargesheet	11-11-2019.
Dates of Framing Charge	16-06-2023.
Date of commencement of evidence	16-06-2023.
Date on which Judgment is reserved	14-07-2026.
Date of Judgment	18-07-2026.
Date of Sentencing order, if any	N.A.

Accused Details :

Ran k of Acc use	Name of Accused	Date of Arrest	Date(s) of Released on bail	Offences charged with	Whether Acquitted or convicted	Sentence imposed	Period of Detention undergone during trial for purpose of Section 428 Cr.P.C
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1	Subhash Ram	07-09-19	13-01-20	u/s 302/34, 201/34, 120(B) of the IPC.	Acquitted	N.A.	About four months.
2	Sandeep Kumar	21-08-19	13-01-20	u/s 302/34, 201/34, 120(B) of the IPC.	Acquitted	N.A.	About four months.
3	Kuldeep Mahto	07-09-19	28-01-20	u/s 302/34, 201/34, 120(B) of the IPC.	Acquitted	N.A.	About four months.

Annexure - III

List of Prosecution/Defence/Court Witnesses

A. Prosecution

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, other witness)
PW 1	Anil Kumar	Hostile witness.
PW 2	Arun Kumar	Hostile witness.
PW 3	Ravindra Kashyap	Brother-in-law of the deceased.
PW 4	Sunita Kumari	Wife of the deceased.
PW 5	Dashrath Mahto	Informant of this case.
PW 6	Mukesh Nag @ Mukesh Nayak	Seizure list witness.
PW 7	Jagarnath Mahto	Formal witness.
PW 8	Lakshman Chaudhary	PSI-cum-Investigating Officer of this case.
PW 9	Dr. Anil Kumar	Postmortem report of the deceased.

B. Defence Witness, if any

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, other witness)
1	None	None

C. Court Witness, if any

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, other witness)
1	None	None

List of Prosecution/Defence/Court Exhibits

A. Prosecution

Sl. No.	Exhibit No.	Description
1.	Exhibit-1 to 3	Signature of Arun Kumar on three seizure lists respectively.
2.	Exhibit-1/1, 2/1, 3/1 & 5/2	Four seizure lists respectively.
3.	Exhibit- 4	Signature of Dasrath Mahto on fardbeyan.
4.	Exhibit-4/1	Fardbeyan.
5.	Exhibit-5	Signature of Dasrath Mahto on seizure list.

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6.	Exhibit-5/1	Signature of Mukesh Nag @ Mukesh Nayak on seizure list.
7.	Exhibit-6	Formal FIR
8.	Exhibit-7 to 9	Three confessional statements of accused persons namely Sandeep Kumar, Subhash Ram & Kuldeep Mahto respectively.
9.	Exhibit-10	Inquest report.
10	Exhibit-11, 11/1 & 11/2	Three memo of arrests of the accused persons namely Sandeep Kumar, Kuldeep Mahto & Subhash Ram respectively.
11.	Exhibit-12	Application filed by Laxman Choudhary to the court of Learned CJM Khunti vide Memo No.2847 dated 04-10-2019 for examination of seized material from SFSL, Ranchi.
12.	Exhibit-13	Forwarding letter of learned CJM Khunti bearing letter No.239/2019 dated 04-10-2019.
13.	Exhibit-14	FSL report (Serological report & SFSL Biological Examination report) bearing SFSL report No.1951/2019.
14.	Exhibit-15	Postmortem report of the deceased.
15.	Mark-X	Xerox copy of Mukhtarnama (General power of attorney)

B. Defence

Sl. No.	Exhibit No.	Description
1.	None	None

C. Court Exhibits

Sl. No.	Exhibit No.	Description
1.	None	None

D. Material Objects

Sl. No.	Exhibit No.	Description
1.	None	None

J U D G M E N T

1. The accused above named are put on trial for the charges levelled against them **u/s 302/34, 201/34 & 120(B) of the IPC.**
2. This case has been brought into being on the basis of fardbeyan of one Dasrath Mahto (**Ext-4**) recorded by Munna Kumar Singh, Officer-in-charge of Karra PS on 17-08-2019 at 7:15 hours at village-Tungaon, near football ground Tungaon, PS-Karra, District-Khunti followed by its registration styled as Karra PS Case No.67/2019 dated 17-08-2019 u/s 302/201/34 of the IPC (**Ext-4/1**) and formal FIR has been drawn up

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(Ext-6).

The prosecution case as has been set out in fardbeyan of the informant Dasrath Mahto is that his son Rajendra Mahto (now deceased) has purchased a land at Mandatand, Khunti. On 16-08-2019 at about 7:00 hours he went to market by his bullet motorcycle bearing No.JH-23A-6237 but did not return till night, therefore, his son-in-law Ravindra Kashyap rang him on his mobile phone bearing No.8789419091 through his own mobile phone bearing No.8757920532 and asked that where he is and when he will be returned back who replied that he is with Arun & Anil and after some time he will return but he did not return therefore all the family members went to sleep. In the morning about 6:00 hours on 17-08-2019 when the informant woke up came to know that his son Rajendra Mahto has not returned to his house, hence his search was started by the family members. In course of search about 6:15 hours on the same day it came forth that a dead body is there in the football ground of Tungaon and adjacent to it a bullet motorcycle is lying. Therefore, the family members went there and found so many persons present there. They saw dead body of Rajendra Mahto on the ground and his bullet motorcycle was lying there towards his feet along with one blood stained stone. On inquiry the informant came to know that his son Rajendra Mahto was there at Karra road, Khunti on a Government running wine shop along with his friends Arun, Anil, Kuldeep & others. It is the further case of the informant that about 10:00 hours in the night on 16-08-2019 his son Rajendra Mahto went to Sosotoli to drop one Sandeep Kumar whereas Kuldip Mahto and one another went along with them by another motorcycle, therefore, he has perception that Kuldip Mahto, Sandeep Kumar and one of his unknown friend who went with the deceased on another motorcycle have committed murder of his son by stone and in order to conceal the dead body it was thrown away in the football ground of Tungaon with his motorcycle reason being that his son Rajendra Mahto(deceased) and one Kuldip Mahto both purchased a land at Mahadeo Manda, Khunti and for Rasta (road) there had been a dispute about one week back and at that time the said Kuldip Mahto extended threat of dire consequences to his son. Hence this case.

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3. The Karra police investigated the case and after coming to its conclusion, submitted charge-sheet bearing No.102/2019 dated 11-11-2019 against the accused above named u/s 302/201/120(B)/34 of the IPC and the learned JM 1st Class, Khunti after applying its Judicial mind towards the police paper submitted before it u/s 173 of the Cr.P.C. (as above), took cognizance of the offence against the accused above named accordingly on 13-11-2019 who after adhering the statutory provision of law U/s 207 of the Cr.P.C. committed this case to the Court of Sessions U/s 209 of the Cr.P.C. on 06-01-2020.
4. After having heard the parties, the charge **u/s 302/34, 201/34 & 120(B) of the IPC** is framed and explained to the accused above named on 16-06-2023 to which they pleaded not guilty and claimed for trial.
5. As many as nine witnesses have been examined on behalf of prosecution in order to substantiate the charges levelled against the accused above named which are as follows:-

PW 1	Anil Kumar
PW 2	Arun Kumar
PW 3	Ravindra Kashyap
PW 4	Sunita Kumari
PW 5	Dashrath Mahto
PW 6	Mukesh Nag @ Mukesh Nayak
PW 7	Jagarnath Mahto
PW 8	Lakshman Chaudhary
PW-9	Dr. Anil Kumar

6. Apart from the oral evidence as above the prosecution has been able to brought the following documents on record legally-

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2.	Exhibit-1/1, 2/1, 3/1 & 5/2	Four seizure lists respectively.
3.	Exhibit- 4	Signature of Dasrath Mahto on fardbeyan.
4.	Exhibit-4/1	Fardbeyan.
5.	Exhibit-5	Signature of Dasrath Mahto on seizure list.
6.	Exhibit-5/1	Signature of Mukesh Nag @ Mukesh Nayak on seizure list.
7.	Exhibit-6	Formal FIR

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8.	Exhibit-7 to 9	Three confessional statements of accused persons namely Sandeep Kumar, Subhash Ram & Kuldeep Mahto respectively.
9.	Exhibit-10	Inquest report.
10.	Exhibit-11, 11/1 & 11/2	Three memo of arrests of the accused persons namely Sandeep Kumar, Kuldeep Mahto & Subhash Ram respectively.
11.	Exhibit-12	Application filed by Laxman Choudhary to the court of Learned CJM Khunti vide Memo No.2847 dated 04-10-2019 for examination of seized material from SFSL, Ranchi.
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13.	Exhibit-14	FSL report (Serological report & SFSL Biological Examination report) bearing SFSL report No.1951/2019.
14.	Exhibit-15	Postmortem report of the deceased.
15.	Mark-X	Xerox copy of Mukhtarnama (General power of attorney)

7. After closure of prosecution evidence, the accused above named have been examined u/s 313 of the Cr.P.C. on 10-07-2026 in which all the incriminating evidences/materials were put to them to which they denied & pleaded their innocence and false implication in this case.
8. On the other hand neither any oral nor any documentary evidence has been adduced on behalf of the accused in their defence in order to rebut & contradict the case of prosecution.
9. Now, this court has to see as to whether the prosecution has been able to prove its case against the accused above named for the charges levelled against them **U/s 302/34, 201/34 & 120(B) of the IPC** beyond all reasonable doubts or not ?

PROSECUTION EVIDENCE.

10. In order to appreciate the evidence of prosecution witnesses, this court would like to discuss their evidences in short which reads as under-

PW-1 is one Anil Kumar. He has stated that in the year 2018-19 he came to know from villagers that Rajendra Mahto has been murdered and his dead body is brought to his house then he went there and saw his dead body, however, neither he knows that who committed

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murder of the Rajendra Mahto nor was examined by the police, therefore, he has been declared hostile to the prosecution.

In course of cross-examination by the prosecution this witness has denied his statement before the police that on 17-08-2019 there was a hulla that dead body of Rajendra Mahto along with his motorcycle is there in the foot-ball ground of Tungaon then he reached there along with villagers and saw his dead body and on inquiry he came to know that Kuldip Mahto, Sandeep Kumar, Sandeep Mahto and Sonu Mahto has committed his murder and thrown away his dead body in the foot-ball ground.

In course of cross-examination by the defence this witness has stated that neither he knows any of the accused of this case nor he has knowledge that how Rajendra Mahto died.

PW-2 is one Arun Kumar. He has stated that this occurrence took place in the year 2019 and on the next day to the occurrence there was hulla in the village that Rajendra Mahto is murdered and his dead body is in Tungaon ground. He saw the dead body in Karra PS. This witness has admitted his signature over three seizure lists respectively **(Ext-1, 2 & 3)**. Further he has stated that who committed murder of Rajendra Mahto he has no knowledge and that he cannot say as to what was seized, therefore, he has been declared hostile to the prosecution.

In course of cross-examination by the prosecution this witness has denied his statement before the police that he saw dead body of the deceased at Tungaon foot-ball ground along with the villagers and came to know on inquiry that Kuldip Mahto, Sandeep Kumar, Sandeep Mahto and Sonu Mahto has committed murder of Rajendra Mahto and thrown away his dead body in the foot-ball ground and thereafter a red colour purse containing SBI ATM card, one Samsung company mobile, one micro-max mobile with SIM and one Oppo Company mobile with SIM had been recovered from the house of Kuldip Mahto whereas one mobile of MI company with SIM was recovered from possession of the accused Subhash Ram and further police recovered a blood stained boulder of about 5 Kg from Sosotoli near Rajkiyakrit Primary School on the mark of the accused Kuldip Mahto & Subhash Ram and that police seized one clock, blood stained

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soil, Optical glass (chasma) and empty bottle of beer in his presence.

In course of cross-examination by the defence this witness has denied any recovery in his presence by saying that Karra police took his signature over plain sheet and that how Rajendra Mahto was murdered, he has no knowledge by now and lastly he has stated that he was neither examined by the police nor he identifies any of the accused.

PW-3 is one Ravindra Kashyap. He has stated that the occurrence took place in the year 2019 while he rang his brother-in-law Rajendra Mahto (deceased) who replied that he is with Anil & Arun and will be returning soon but he did not return. Next day he came to know from the villagers that dead body of Rajendra Mahto is thrown away near foot-ball ground where he reached and saw his dead body along with one blood stained boulder. This witness has identify all the accused of this case by saying that they are his villagers so he identifies them.

In course of cross-examination by the defence this witness has stated that he was neither examined by the police nor he identifies any of the accused.

PW-4 is one Sunita Kumari who is wife of the deceased Rajendra Mahto. She has stated that this occurrence took place in the year 2019 while her husband Rajendra Mahto went away by saying that one Kuldip has called on him but he did not return till 10:00 PM therefore she made a call over his mobile who disclosed that he is at a liquor shop of Karra road along with Sandeep Kumar, Subhash, Sonu & Sandeep Mahto and further said that he is coming soon but he never returned. In the following morning it came forth from the villagers that dead body of her husband Rajendra Mahto is lying in foot-ball ground at Tungaon where she went and saw his dead body whose face was smashed and there was fracture of his leg. She saw a bullet and blood stained boulder there. She further came to know that her husband was murdered elsewhere but his dead body was thrown away there. She identifies all the accused persons by saying that her husband was on inimical term with them due to land dispute.

In course of cross-examination by the defence this witness has stated that neither she saw the occurrence herself nor she came to

know that to whom her husband Rajendra Mahto met after going from home. She has admitted that her husband was addicted of liquor. Further she has admitted that there is no any pending litigation in between her husband and the accused.

PW-5 is one Dasrath Mahto who is none else but the informant of this case and happens to be the father of the deceased. He has stated that the occurrence took place on 16-08-2019 while he was at his house. His son Rajendra Mahto went to Khunti market at 7:00 PM by his motorcycle but did not return back. On the following day i.e. 17-08-2019 he along with others did search of his son but could not know anything about him and further he came to know that one dead body is there in the football ground of Tungaon. He went there at 7:00 AM and saw dead body of his son and that his motorcycle was overturned there. Prima-facie he found that there was injury over head of his son, thereafter police reached there. This witness has identified his signature over fardbeyan (**Ext-4**) and seizure list (**Ext-5**). Lastly he has stated that who committed murder of his son he has no knowledge, therefore, he has been declared hostile to the prosecution.

In course of cross-examination by the prosecution this witness has denied his statement before the police that in course of inquiry it came forth that friend of his son namely Arun, Anil & Kuldip Mahto along with one Sandeep Kumar including one unknown went away with his son by motorcycle and committed his murder by boulder at village-Sosotoli reason being that there was some dispute one week back between his son and his friend due to land dispute.

In course of cross-examination by the defence this witness has stated that at the time of signing over fardbeyan he was unconscious and therefore he could not read out the contents of the fardbeyan himself. Further he has stated that his re-statement was never recorded and that he has no knowledge as to who committed murder of his son and why. He has denied to identify the accused personally. Lastly he has stated that he signed over the seizure list in the Thana.

PW-6 is one Mukesh Nag @ Mukesh Nayak. This witness has identified his signature over the seizure list (**Ext-5/1**). He has stated

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that he went to Thana where a motorcycle was seized and dead body of his brother-in-law Rajendra Mahto was kept there. He came to know there itself that his brother-in-law Rajendra Mahto was murdered by fire arm having fracture in his one of the leg. Later on he came to know that his dead body was found in Tungaon.

In course of cross-examination by the defence this witness has denied any recovery in his presence as he has signed in the Thana. He denied to identify any of the accused and that he has no knowledge about the occurrence. Lastly he has denied his statement before the police.

PW-7 is one Jagarnath Mahto. He has proved a power of attorney executed by Kunal Kumar & Gourav Kumar in his favour **(X)**. He has stated that part of land through the said Mukhtarnama was sold by him to one Rubi Kumari, Kamla Devi and Suyesh Ansari and for purchase of land Kuldip Mahto, Sandeep Kumar & Rajendra Mahto (deceased) were coming to him. Lastly he has stated that he does not know anything about the occurrence.

In course of cross-examination by the defence this witness has denied his statement before the police and that he does not identify namely Kuldip Mahto, Sandeep Kumar & Rajendra Mahto to whom he never met. He denied to identify the purchaser Rubi Devi, Kamla Devi & Suyesh Ansari also.

PW-8 is the investigating officer of this case namely Laxman Choudhary. He has stated that he being the PSI at Karra took charge of investigation of this case on 17-08-2019. He entered inquest report of the deceased Rajendra Mahto and seizure list in the case diary. He inspected the first place of occurrence which is the foot-ball ground of Tungaon. He recorded re-statement of the informant Dasrath Mahto. Further he inspected second place of occurrence which is the field of one Manbahal Ram at village-Sosotoli and thereafter he recorded statement of seizure list witnesses namely Arun Kumar, Golu Kumar and statement of another witnesses namely Ravindra Kachhap & Sanjay Mahto. Next he recorded statement of witness Sanika Kumari. He arrested the accused Sandeep Kumar and recorded his confessional statement **(Ext-7)**. Further he arrested the accused Kuldip Mahto &

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Subhash Ram and seized purse, ATM card and mobile from them followed by its seizure list **(Ext-1/1)**. He recorded their confessional statement **(Ext-9 & 8 respectively)** and on their mark he seized one blood stained piece of boulder **(Ext-2/1)**. He obtained postmortem report of the deceased Rajendra Mahto and sent the seized material of this case to FSL Ranchi. Further he recorded statement of witnesses Anil Kumar & Arun Kumar. On completion of investigation he submitted chargesheet against Kuldip Manto, Sandeep Kumar & Subhash Ram, keeping investigation pending against Sandeep Mahto & Sannu @ Sonu Mahto.

In course of supplementary investigation he came to know that Sannu @ Sonu Mahto has surrendered in the court. Further he recorded statement of witnesses Rup Narayan Singh, Kundan Kumar & Jagarnath Mahto. He came to know that accused Sandeep Mahto has also surrendered in the court. He took the accused Sandeep on police remand and recorded his confessional statement. On completion of investigation he submitted supplementary chargesheet against the accused Sannu @ Sonu Mahto & Sandeep Mahto. This witness has formally proved the fardbeyan of Dashrath Mahto and endorsement over it for registration of this case **(Ext-4/1)**, formal FIR **(Ext-6)** and seizure list prepared at football ground, Tungaon **(Ext-5/2)**. Next he has proved one seizure list prepared at village-Sosotoli **(Ext-3/1)** and another seizure list prepared at Government Primary School Sosotoli **(Ext-2/1)**. This witness has proved the inquest report of this case **(Ext-10)**, Memo of arrest of accused Sandeep Kumar, Kuldip Mahto & Subhash Mahto **(Ext-11 to 11/2)**. He has proved his petition for sending material exhibit of this case to the FSL **(Ext-12)** and order of the CJM for sending the same **(Ext-13)**.

In course of cross-examination by the defence this witness has admitted that inquest report of this case was prepared at 7:00 AM on 17-08-2019 whereas the formal FIR is registered on 17-08-2019 at 9:30 AM but Karra PS case No.67/2019 is mentioned in the inquest report. This witness has stated that he does not know about the blood stained piece of boulder as to where it is now which was seized by him. He has admitted that he did not record confessional statement of accused

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Kuldip Mahto in presence of independent witnesses. He has admitted that no any incriminating article related to this occurrence was recovered from any of the accused and that the informant lodged this case on the basis of suspicion. Further he has admitted that he could not collect any vivid evidence about complicity of the accused persons above named in the instant occurrence till submission of charge-sheet. He also could not know that the seized optical glass, watch and bear bottle belongs to whom.

PW-9 is one Dr. Anil Kumar. This witness has stated that on 17-08-2019 he being the Medical Officer at Sadar Hospital Khunti conducted postmortem over the dead body of Rajender Mahto, aged about 30 years (male), S/o Dasrath Mahto, village-Karra Road Khunti, PS-Khunti, District-Khunti brought by Chowkidar No.5/5 Joto Bhokta and found the following:-

Deceased male having good built up, black complexion, black hair, Both pupil dilated & fixed and black in colour, both eye lid open.

Mark of identification: (I) Mole on right side abdominal area above umbilicus.

(ii) Wound scar mark on right knee.

Clothings: Deceased male wore-blue Coloured jeans pant with red Coloured belt, chhitdar coloured half shirt, metal bangle (Karra) on right hand wrist.

Rigormortis present in both superior and both superior extremities. No colour changes found on the body of his person.

Following injuries found on the body of his person which is antimortem in nature as follows:-

(I) Bruises on left side of face having dimension 3 inches x 3 inches x superficial skin, extending from left ala of nose base to zygomatic process of maxillary sinus left side. Wound caused by skidding over rough surface.

(ii) Compressed fracture of left side fronto-temporal region of vault,. No external wound and ecchymosis found, while opening vault multiple small chip of fronto-temporal bone found with intradural hematoma and contusion of brain, wound intro-dural hematoma caused by blow of hard and blunt object on the fronto-temporal area of scalp.

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Cause of death:- Death occur due to cardio-respiratory arrest provoked by neurogenic shock, Intro-dural hematoma and contussion of brain.

Time since death: Death occur within 12 hours to 14 hours prior to postmortem examination time & date.

This witness has admitted his pen and signature of the postmortem report **(Ext-15)**.

In course of cross-examination by the defence this witness has stated that he has neither found any bleeding injury nor clotted blood over the injury or around the injury. Injury No.(i) & (ii) may be caused due to fall from the running motorcycle. He has not found any external injury on the fronto-temporal region of vault.

11. **Heard both the sides and perused the record.**

Perused the fardbeyan of the informant Dasrath Mahto **(Ext-4)** which is the basis of this case **(Ext-4/1)**, oral & documentary including scientific evidence available on record on behalf of prosecution.

At the very out set this court would like to observe that fardbeyan of this case **(Ext-4/1)** is recorded on 17-08-2019 at 7:15 hours followed by its registration on the same day whereas it has been received to the court on 21-08-2019 i.e. four day after its registration. Keeping this FIR pending in the Karra Thana speaks a lot against the Karra police and thereby foul play cannot be ruled out.

The attesting witness namely Arun Kumar **(PW-2)** of seizure list of mobile phones from the accused Kuldip Mahto & Subhash Ram **(Ext-1/1)**, seizure list of blood stained stone of 5 Kg **(Ext-2/1)**, seizure list of fastrack watch, empty bottles of bear, Chasma and blood stained soil **(Ext-3/1)** have stated that he does not know that what was recovered and thereby he has not supported the seizure list. The another witness over the aforementioned seizure list is not examined. The last but not the least the attesting witness of seizure list of bullet motorcycle, mobile phone of the deceased and blood stained stone **(Ext-5/2)** the witness Dashrath Mahto, informant of this case **(PW-5)** & Mukesh Nag @ Mukesh Nayak **(PW-6)** have also not supported the seizure list by saying that he signed over the seizure list in Thana and that nothing was recovered in his presence that too one after another. The

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investigating officer of this case Laxman Choudhary (**PW-8**) sent the material exhibits of this case as discussed herein above to FSL (**Ext-3**) without blood sample of the deceased. The report of FSL goes to show only blood group over one stone recovered from the distant place from the dead body (**B**) but no blood group could be detected from the stone recovered from the dead body (**A**) and blood stained soil (**B**)/**Ext-14**, so the scientific evidence also not going to support the prosecution case in any manner in order to prove the charge.

The fardbeyan of Dasrath Mahto (**Ext-4**) who happens to be the father of the deceased Rajendra Mahto (**PW-5**) goes to show that he lodged this case out of suspicion but in course of his examination as **PW-5** he turned hostile to his earlier version by saying that neither he has any knowledge about the miscreants who committed murder of his son nor he identifies any of the accused. **PW-1** Anil Kumar has stated that who committed murder of Rajendra Mahto he has no knowledge and that he was never examined by the police, therefore he has also been declared hostile to the prosecution. **PW-2** Arun Kumar has also stated that who committed murder of Rajendra Mahto he does not know, therefore he has been declared hostile to the prosecution. **PW-3** is one Ravindra Kashyap who happens to be brother-in-law of the deceased has stated that he was never examined by the police and only heard about dead body of Rajendra Mahto at Tungaon. **PW-4** is one Sunita Kumari who happens to be wife of the deceased. She has also stated that she came to know about dead body of her husband Rajendra Mahto at Tungaon from villagers. In course of cross-examination she has admitted that she did not see the occurrence herself. **PW-6** is one Mukesh Nayak @ Mukesh Nag who happens to be brother-in-law of the deceased Rajendra Mahto. He has deposed a new story that when he reached to Thana where dead body of Rajendra Mahto was kept and saw that Rajendra Mahto was murdered by fire arm and his one leg was fractured. In course of cross-examination by the defence he has stated that how his brother-in-law Rajendra Mahto sustained bullet injury, he has no knowledge about the same. Moreover, Dr. Anil Kumar (**PW-9**) who committed autopsy over the dead body of Rajendra Mahto has neither found any fire arm injury nor fracture of leg.

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PW-7 is one Jagarnath Mahto who is a formal witness and has proved one power of attorney **(X)**. In cross-examination by the defence he has denied his statement before the police and that he has any knowledge about the occurrence. **PW-8** is the investigating officer of this case namely Laxman Choudhary who has recorded confessional statement of Sandeep Kumar, Subhash Ram & Kuldip Mahto **(Ext-7, 8 & 9 respectively)** and recovered blood stained stone as murder weapon **(Ext-5/2)** but recovery is falsified by the attesting witness of this case as discussed herein above. **PW-9** is the Dr. Anil Kumar who has committed autopsy over the dead body of deceased. His evidence is of no use as there is no substantive material evidences available on record on behalf of prosecution to support the prosecution case.

In terms of the detailed discussion as herein above this court finds that **the prosecution has not been able to prove the charges levelled against the accused above named u/s 302/34, 201/34 & 120(B) of the IPC rather miserably failed.**

13. **In the result, the accused persons namely (1) Subhash Ram, (2) Sandeep Kumar & (3) Kuldeep Mahto are hereby acquitted for the charges levelled against them u/s 302/34, 201/34 & 120(B) of the IPC.**

Since the above named accused persons are on bail, therefore, sureties on their behalf are exonerated from liabilities of their respective bail bonds.

(Dictated & Corrected by me)

(Pronounced in Open Court by me)

**Sd/-
(Rasikesh Kumar)
Sessions Judge
Khunti
Dated:-18-07-2026**

**Sd/-
(Rasikesh Kumar)
Sessions Judge
Khunti
Dated:-18-07-2026.**

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(Sessions Trial No.03/2020).