

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1078 OF 2006

Prahlad Mahto & Ors.

....Appellants

Versus

State of Jharkhand

...Respondent

ORDER

We have heard the learned counsel for the parties and gone through the impugned judgments. We see that the High Court and trial court had found that the seven appellants were involved in the incident. The learned counsel for the appellants has, however, argued that specific roles had been ascribed to Basudeo Mahto, Safi Mahto and Kato Mahto in the FIR as also in the statement of the three eye witnesses, but the post-mortem report and the injury report of the deceased and the injured witnesses respectively did not show the presence of any injuries at the instance of Sri Mahato, Basudeo Mahato and Kato Mahato, although they were as per the prosecution case armed with lathies. It is true that it is often difficult to arrive at a true assessment as to what has happened but in a case of

Crl. Appeal
No.1078/2006

deep rooted group

2

rivalry and animosity between the rival parties and in the face of the fact that a large number of accused have been involved, the possibility of false implication cannot be entirely ruled out. Moreover, in the facts of this case, we find that whereas accused Prahlad Mahto, Naresh Mahto and Sudhir Mahto have been attributed specific injuries, the others have been given general roles that they too had caused injuries. There is thus possibility that some of the accused could have been booked falsely.

We, accordingly, dismiss the appeal of Prahlad Mahto, Naresh Mahto and Sudhir Mahto, but allow the appeal of Sri Mahto, Basudeo Mahto and Kato Mahto and order their acquittal. They shall be released forthwith, if not wanted in any other case. Their bail bonds shall stand discharged accordingly.

.....
.....J.
(HARJIT SINGH BEDI)

.....
.....J.
(J.M. PANCHAL)

**NEW DELHI,
AUGUST 27, 2010.**