IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (D.B.) No. 686 of 2018

[Against the judgment and order of conviction and sentence dated 23.05.2018 passed in S.T. No.60 of 2017 arising out of Bano P.S. Case No.68 of 2016 corresponding to G.R. No.547 of 2016 by learned Additional Sessions Judge-I, Simdega]

Vijay Singh, aged about 36 years, son of Pusha Singh, Resident of Village-Tembro, Ganjhutoli, Post Office-Girda, Police Station-Bano (Girda O.P.), District-Simdega … … Appellant

Versus

The State of Jharkhand …. Respondent

With

Cr. Appeal (D.B.) No. 1161 of 2018

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1. Shankar Singh @ Budhu, aged about 32 years, son of Bhim Singh
2. Shankar Singh, aged about 34 years, son of Mangru Singh

Both resident of village-Tembro, Ganjhutoli, Post Office-Girda, Police Station-Bano (Girda O.P.), District-Simdega

… … Appellants

Versus

The State of Jharkhand …. Respondent

For the Appellants : Mr. Praveen Shankar Dayal, Advocate
Mr. Shailesh Poddar, Advocate
Mr. Sheo Kumar Singh, Advocate

For the Resp.-State : Mr. Anup Pawan Topno, A.P.P.
: Mr. Bhola Nath Ojha, A.P.P.

PRESENT

CORAM: SRI ANANDA SEN, J.
SRI PRADEEP KUMAR SRIVASTAVA, J.

JUDGMENT

CAV On 07/10/2026 **Pronounced On 06/11/2026**

Per- Pradeep Kumar Srivastava, J.

1. We have already heard learned counsel for the appellants and learned A.P.P. for the State.

2. Both the above appeals are arising out of common judgment, hence are heard together and are being disposed of by common judgment.

3. Instant appeals are preferred by the above named appellants for setting aside their conviction and sentence dated 23.05.2018 passed in S.T. No.60 of 2017 arising out of Bano P.S. Case No.68 of 2016 corresponding to G.R. No.547 of 2016 by learned Additional Sessions Judge-I, Simdega whereby and whereunder the appellants have been held guilty and sentenced for the offence under section 452/34, 302/34, 201/34, 436/34 and 506/34 of IPC and Sections 3 and 4 of Prevention of Witch (Daain) Practices Act, 1999 and have been sentenced to undergo R.I. for 5 years and fine of Rs.20,000/- each for the offence under section 452/34 of IPC, life imprisonment along with fine of Rs.25,000/- for the offence under section 302/34 of IPC, R.I. for 5 years along with fine of Rs.5,000/- each for the offence under section 201/34 of IPC, R.I. for 10 years along with fine of Rs.5,000/- each for the offence under section 436/34 of IPC, R.I. for 5 years along with fine of Rs.5,000/- each for the offence under section 506/34 of IPC with default stipulation and R.I. for 3 months and 6 months for the offence under sections 3 and 4 of Prevention of Witch (Daain) Practices Act, 1999 each. Each convict is also directed to pay Rs.50,000/- (victim) as compensation. All the sentences were directed to run concurrently.

Factual Matrix:-

4. Factual matrix giving rise to these appeals is that on 13.12.2016 at about 17:00 hours, the informant Bhola Singh along with his parents, younger

brother, wife and son were working at the courtyard of this house, in the meantime, all the accused persons came there and started talking that they would kill Butru Singh and his wife Bimla Devi and he tried to ask for the reason but they went away. It is further alleged that after sometime at about 19:00 hours, all the accused persons again came near the house of the informant and at that time, the accused, Shankar Singh was armed with Tangi. Upon seeing the accused persons, his younger brother Butru Singh and his wife Bimla Devi along with their children fled away from back door of the house due to fear but all the three accused persons entered in his house and at that time the informant along with his parents and wife and son were present in the house. It is further alleged that all the accused persons threatened the informant to hand over his younger brother and his wife, otherwise, they will set fire the entire house to liquidate the entire family. It is further alleged that the accused persons told that due to *daain* practice by Butru Singh and his wife, Bimla Devi, their entire family had become seek and ill. It is further alleged that the accused persons locked the informant and his wife and son in a room and took his father Lohra Singh and mother Chorathi Devi out from the house and set fire in the house with intention to kill all the family members. Thereafter, the accused persons brutally assaulted his father and mother and set fire in the house in which his parents were burnt to death. It is further alleged that the accused persons threatened all the villagers, who tried to save his family members. It is further alleged that the accused persons have also set fire

of *khalian* of the informant causing damage to harvested crops and fled away.

5. On the basis of fardbayan of the informant, Bano P.S. Case No.68 of 2016 was registered for the offence under sections 452, 302, 201, 436, 506/34 of IPC and sections 3 and 4 of Prevention of Witch (*Daain*) Practices Act against three accused persons.
6. After completion of investigation, charge-sheet was submitted under sections 452/34, 302/34, 201/34, 436/34, 506/34 of IPC and sections 3 and 4 of Prevention of Witch (*Daain*) Practices Act. After taking cognizance, the case was committed to the court of sessions, where S.T. No.60 of 2017 was registered.
7. The accused persons have denied the charges leveled against them and claimed to be tried.
8. After conclusion of trial, the impugned judgment and order was passed, which has been assailed in these appeal.
9. In the course of trial, altogether 14 witnesses were examined by the prosecution, namely:-

P.W.1-Birsa Singh

P.W.2-Ramnath Singh

P.W.3-Butru Singh

P.W.4-Dr. Prabhu Sahay Linda

P.W.5-Dr. Amit Kumar

P.W.6-Dr. Manoj Pratap Dungdung

P.W.7-Powal Samad

P.W.8-Duryodhan Singh

P.W.9-Bhola Singh

P.W.10-Basudeo Singh

P.W.11-Sudey Narayan Majhi

P.W.12-Hira Singh

P.W.13-Shera Samson Tirkey

P.W.14-Ravindra Kumar (I.O.)

10. Apart from oral testimony of the witnesses, following documentary evidences have been adduced by the prosecution.

Ext.1 and 1/1-Post-mortem reports

Ext.2-Signature of Pawal Samad on seizure list.

Ext.3 & 3/1-Signature of Duryodhan Singh on seizure lists

Ext.4-Signature of Bhola Singh on *fardebeyan*

Ext.5 & 6-Signature of Bhola Singh on both inquest reports

Ext.7 & 8-Signature of Basudeo Singh on both seizure lists

Ext.9 & 9/1-Forwarding letter & Challan relating to material exhibit

Ext.10-FSL report

Ext.11-Statement under section 164 Cr.P.C.

Ext.12-Fardbeyan & its registration

Ext.13-Formal FIR

Ext.14 to 14/2-Three seizure lists

Ext.15 & 15/1-Inquest reports

Ext.16 to 16/2-Three confessional statements of accused, Shankar Singh, Vijay Singh & Shankar Singh

Ext.17 to 17/2-All three memo of arrest

Ext.18-Letter related to conducting statement under section 164 Cr.P.C. of Pawal Samad

11. Prosecution has also adduced following material exhibits:-

Material Ext.I-Remains of burnt of deceased Lohra Singh

Material Ext.II-Remains of burnt of deceased Chorthi Devi

Material Ext.III-Burnt remains ash of house

Material Ext.IV-Tangi

12. On the other hand, the case of defence is denial from the occurrence and false implication. However, no oral or documentary evidence has been adduced by the defence.

13. Learned trial court after evaluating the evidence available on record held the appellants guilty for the aforesaid offences and sentenced them as stated above.

Submission on behalf of appellants:-

14. Learned counsel for the appellants has submitted that learned trial court has examined 14 witnesses in this case and out of them, P.W.1 Birsa Singh and P.W.2-Ramnath Singh, P.W.7 Powal Samad, P.W.8 Duryodhan Singh and P.W.10 Basudeo Singh have been declared hostile by the prosecution. P.W.3-Butru Singh is the son of the deceased and not an eye-witness to the occurrence rather he fled away from the house and not seen the occurrence. It is further submitted that P.W.4 Dr.

Prabhu Sahay Linda, P.W.5-Dr. Amit Kumar and P.W.6-Dr. Manoj Pratap Dungdung, who have conducted the autopsy on the dead body of the deceased. It is further submitted that P.W.13 Shera Samson Tirkey, who is the Judicial Magistrate has recorded the statement of the witness Pawal Samad under section 164 of Cr.P.C. It is further submitted that the prosecution case rests on the testimony of P.W.9 Bhola Singh (informant) and P.W.12 Hira Singh (son of the informant), who are interested witness and they have been locked in a room and have not seen the occurrence. It is further submitted that the appellants have falsely been implicated in this case only on account of previous enmity between the parties. The evidence of the main witnesses of the facts, namely, P.W.9 and P.W.12 suffers from the material contradictions and infirmities as regards actual occurrence. P.W.12 has also admitted that his statement was not recorded by the police during investigation. Therefore, the conviction of the appellants only on the basis of evidence of P.W.9 and P.W.12 is absolutely illegal and erroneous. The specific case of the prosecution is that only Shankar Singh, S/o-Mangru Singh was armed with a *tangi* and the injuries sustained on the body of the deceased persons have showed to be laceration caused by sharp-cutting injuries and both the deceased persons might have sustained injury by one heavy weapon as per opinion of the doctors. No burn injuries were found on the dead body of the deceased persons and the prosecution has failed to prove very motive behind the occurrence regarding witch craft played by Butru Singh and his wife. It is further submitted that even if

the testimony of the informant may be taken to be true, it is specifically alleged that all the accused persons were intended to cause death of Batru Singh and his wife Bimla Devi and not his parents, who have been killed in this case. Therefore, all the accused persons cannot be convicted with the aid of section 34 of IPC for causing death of different persons by the sole accused, Shankar Singh S/o-Mangru Singh. It is further submitted that the FSL report was not proved by any competent witness and no incriminating articles were recovered from the conscious possession of the appellants showing their involvement in the alleged offence. Therefore, learned trial court has miserably failed to consider the overall aspects of the case proved by the prosecution in right perspective and arrived at wrong conclusion about the guilt of the appellants, which suffers from serious error of law and liable to be set aside and these appeals may be allowed.

Submission on behalf of State:-

15. On the other hand, learned A.P.Ps. controverting the aforesaid points of argument raised on behalf of the appellants has submitted that the witnesses father and son are very natural witnesses of the occurrence and their testimony has not been rebutted in their cross-examination and there is no reason to cast any doubt on the testimony of these witnesses merely, on the ground of interested or related witnesses. Learned trial court has very cautiously scrutinized their evidence. The cause of death of deceased persons has also been proved by the medical board consisting of P.W.4, P.W.5 and P.W.6. Since, the prosecution has been

able to prove the charges leveled against the accused persons through direct evidence showing their involvement and participation in commission of the offence charged. Therefore, the proofs or absence of motive becomes immaterial. Learned trial court has committed no error of law in recording the findings about the guilt of the appellants. All the appellants have acted in consorted manner as is proved by the ocular testimony of witnesses. Therefore, there is no merits in these appeals and liable to be set aside.

16. We have gone through the record of the case along with the impugned judgment and order in the light of the contentions raised on behalf of both side.

17. The only point for determination in these appeals is that "**as to whether the impugned judgment and order of conviction and sentence of the appellants passed by learned trial court suffers from any error of law calling for any interference in these appeals?**"

Analysis, Reasons and Decision:-

18. Before imparting over verdict of the above points, we have to apprise from oral and documentary evidence adduced by the prosecution.

19. It appears that altogether 14 witnesses were examined by the prosecution and out of them, **P.W.1 Birsa SIngh and P.W.2 Ramnath Singh** are villagers and they were declared hostile.

The most important witness of this case is the informant, Bhola Singh, who has been examined as **P.W.9.** He has consistently corroborated the contents of *fardbeyan* and testified that the deceased

Lohra Singh and Chorthi Devi were his parents. He has further deposed that on 13.12.2016 at about 5:00 pm, while he was working in the *angan* of his house along with his mother, father, younger brother and his wife. In the meantime, his co-villagers Shankar Singh @ Bhudu, Shankar Singh and Vijay Singh armed with *tangi* came and killed his father Lohra Singh and mother Chorthi Devi and set fire in the house threatening to kill entire family members. They were also saying to hand over Butru Singh and his wife, who were indulged in practicing of witchcraft due to which, the family members of the accused persons were ill. He further stated that this witness along with his wife and son, Hira Singh were locked in a room, while his house was set on fire and the accused persons were threatening the villagers not to interfere with the matter, otherwise, they would face dire consequences. The accused persons also set fire his *Khalian* causing damage of paddy crops. He has further stated that about six months prior to the occurrence, the accused persons were labeling motive of *daain* practice on his younger brother and his wife. He has proved his signature on *Fardbeyan* and the same was marked as Ext.4 and he has also proved inquest report of both deceased persons prepared by the police, which is marked as Ext.5 and 6 respectively.

In his cross-examination, this witness admits that just arriving towards the house, the accused persons closed him in a room along with his wife and son. His younger brother, Butru Singh and his wife Bimla Devi were not present. He came out of the room by breaking

the window in the next day morning at about 9:00 am, and then saw the dead body of his mother and father and *khalian* was burnt into ashes. No material has been elicited in his cross-examination, this witness has been simply suggested by the defence that since the accused persons or his neighbour are jealous of him and his family members. Therefore, he has implicated the accused persons in the false case and they have not killed his parents.

The next most-important witness is **Hira Singh (P.W.12)**, who is the son of the informant. This witness has also consistently proved the prosecution story unlike his father (P.W.9) and testified that on 13.12.2016 at about 5:00 pm in the evening, he along with his parents were working in the courtyard of his house. In the meantime, Shankar Singh @ Budhu, Shankar Singh and Vijay Singh armed with *tangi* came there and assaulted his grandmother and grandfather and set fire in the house. They were threatening to kill all the family members and were asking for to produce his uncle Butru Singh and his aunty, Bimla Devi. They were also saying that Butru Singh and Bimla Devi were *daain* because due to their *daain* practicing, *saas* Firni Devi and one *Bhatiza* (niece) of the accused persons had died. Shankar Singh also stated that due to witch craft, his entire family is unwell. He further states that the accused persons were threatening the villagers to put them on fire, if they come ahead to save his family members. The accused persons also put fire in the *khalihan* and caused damage to the

paddy crops. He further states that the accused persons have been brandishing his family members as *daain* for last six months.

In his cross-examination, he admits that they had not made any complaint anywhere about the threatening given six months ago. He was locked inside the house by the accused and witnessing all the incidents putting his house in fire by the accused. He further admits that the dead body of his grandmother and grandfather were found west of his house, where the *khalihan* was situated. He further admits that the house of deceased and his uncle were situated in west of his house.

P.W.3-Butru Singh is the son of the deceased Lohra Singh and Chorthi Devi. According to his evidence, on 13.12.2016 at about 5:00 pm, while he was inside the house and working with his father, mother, brother and *bhabhi*. All of sudden, the accused Shankar Singh @ Budhu, Shankar Singh and Vijay Singh armed with *lathi* and *tangi* came there and apprehending the threats, he fled away from the back door of the house to save his life and stayed overnight in Hurda Bazar. In the next day morning, he found his father Lohra Singh and mother Chorthi Devi were burnt to death and he also came to know from his brother that all the three accused persons have killed his father and mother with *danda* and *tangi*. He further stated that all the three accused used to call me and my wife "*diaan*" and used to say that it was because of me, my wife and my parents, the people in their house were dying and falling ill.

In his cross-examination, he admits that he has not seen the incident and came to know from his brother about the occurrence. He further admits that there was no previous enmity between the parties.

P.W.4-Dr. Prabhu Sahay Linda has conducted post-mortem on the dead body of the Lohra Singh and found following ante-mortem injuries:-

General Examination:-

(i) Physique average built,
(ii) Average nutrition,
(iii) Rigor mortis present over all four limbs,
(iv) Body not decomposed,
(v) Whole body burnt and blacken.

External Examination:-

(i) Both eyes are closed,
(ii) Mouth is closed and tongue inside,
(iii) A lacerated wound over left temporal region measuring 2” x 3” x viscera deep,
(iv) A lacerated wound & bruise measuring wound & bruise measuring 3” x 1 ½” x bone deep over left side of forehead,
(v) A sharp cut injury measuring 1” x 2” x bone deep over left forehead,
(vi) Bruise over left arm at lower end.

Internal Examination:-

(i) No carbon particles in trachea & lung parenchyma,
(ii) Fracture of left temporal bone measuring 2" x 3",
(iii) Lower end of left humerus fractured,
(iv) Distal end of left radius ulna bones are fractured.

Time since death:- within 36 hours of duration.

Weapon used:- Heavy, hard & sharp cutting object- i.e. Axe.

Cause of death:- Cardio respiratory arrest due to severe external hemorrhage and neurogenic shock. The body was kept in fire a fiery death.

20. On the same date, he also conducted post-mortem examination on the dead body of Chorthi Devi aged about 62 years and found the following ante-mortem injuries:-

General Examination:-

(i) Physique average built.
(ii) Average nutrition,
(iii) Rigor mortis present over all four limbs.
(iv) Whole Body burnt & blacken,
(v) Body not decomposed.

External Examination:-

(i) Both eyes are absent (Burnt out),
(ii) Mouth is closed & tongue inside,
(iii) Left partial bone of skull fractured measuring 3" x 3",
(iv) A chopped wound over left side of thorax over mid axillary line measuring 3" x 1" x viscera deep.
(v) All fingers of both left & right hand burnt out,
(vi) All fingers of both legs burnt out.

Internal Examination:-

(i) Brain matter absent from the skull,
(ii) Blood in left thoracic cavity,
(iii) Lateral surface of left lung lacerated,
(iv) No carbon particles in trachea & lung parenchyma.

Time since death:-within 36 hours of duration.

Weapon used:-Heavy, hard & sharp cutting object.

Cause of death:- Cardio respiratory arrest due to severe external & internal hemorrhage and neurogenic shock.

The postmortem of both the dead bodies was done by a Medical Board and he proved the post-mortem report as Ext.1 and 1/1 respectively.

P.W.5 Dr. Anil Kumar and P.W.6 Dr. Manoj Pratap Dungdung were also members of Medical Board and they agree with the opinion given by the Medical Board and proved the Medical Board report as Ext.1 and 1/1.

P.W.7-Powal Samad is the seizure list witness and proved the same as Ext.2. He has deposed that the deceased Lohra Singh and Chorthi Devi were his villagers but on the point of identification, he has been declared hostile.

P.W.8-Duryodhan Singh is grandson of the deceased Lohra Singh and Chorthi Devi and also a seizure list witness. He has proved his signature on the seizure list as Ext.3 and 3/1 but he has been declared hostile.

P.W.10-Basudeo Singh is also the seizure list witness and proved his signature on seizure list as Ext.7 and 8. However, he has been declared hostile and expressed no knowledge about the occurrence.

P.W.11-Sudey Narayan Majhi is a formal witness, who has produced seized articles in a sealed pack before the court, which consisted of ashes of deceased Lohra Singh and Chorthi Devi, burnt

ashes of the house of Bhola Singh and one Tangi and all were marked as Material Ext. I, II, III and IV respectively.

P.W.13 Shera Samson Tirkey has recorded the statement of witness Pawal Samad under section 164 of Cr.P.C., which he identified and proved the same as Ext.11.

P.W.14-Ravindra Kumar is the Investigating Officer of this case. According to his evidence, after taking the charge of investigation, he visited the place of occurrence, recorded the statement of witnesses and confessional statement of accused, Shankar Singh, Shankar Singh and Vijay Singh and sent them in custody. He seized the *tangi* from the house of Shankar Singh, burnt ashes and sent them to FSL, Ranchi for chemical examination. He got recorded the statement of witness, Powal Samad under section 164 of Cr.P.C. and he also made inquest report and collected post-mortem reports. After finding sufficient evidence against all three accused persons, he had submitted charge-sheet against them. He has proved *fardbeyan* as Ext.12, Formal FIR as Ext.13, three seizure lists as Ext.14 to 14/2, inquest report of the deceased persons as Ext.15 to 15/1, F.S.L. report as Ext.10, confessional statement of all three accused persons as Ext.16 to 16/2. He has also proved his application with regard to recording of statement of Powal Samad under section 164 of Cr.P.C as Ext.18.

In his cross-examination, he admits that on 14.12.2016 at about 1:30 pm, he visited the place of occurrence and found the house of Butru Singh, which was residing the west of the house of informant,

Bhola Singh and the *khalihan* was situated towards north of their house and there was one *angan* in between the house of informant and Butru Singh. The dead body of both the deceased persons was recovered in the north of the house of Bhola Singh and Butru Singh but this fact was not mentioned in the case diary. He found the left over burnt articles in the *varanda* of the house of Butru Singh. Earlier, none of the family members of the informant filed any case against the accused persons with regard to allegation of *daain*. All the accused persons were arrested from their house.

21. From the aforesaid discussion of ocular testimony of witnesses. It appears that other witnesses of the facts, P.W.1, P.W.2, P.W.7, P.W.8 and P.W.10 have been declared hostile and not supported the prosecution case but so far the informant (P.W.9) and his son Hira Singh (P.W.12) are concerned, they are consistent on their statement and are very natural witnesses of the occurrence. However, minor contradictions and discrepancies are always bound to occur. Hence, the minor discrepancies or contradictions, if they are not shattering the very substance of the prosecution case, should be ignored. It is admitted fact that on the date of occurrence, all the three accused persons came with *tangi* with intention to kill his brother Butru Singh and his wife but they fled away. Thereafter, the accused persons locked the informant and his wife and son in a room and dragged out his father, Lohra Singh and mother Chorthi Devi brandishing them as *daain* and brutally assaulted them and set the fire in the *khalihan* with his father and mother as a

result of which, they burnt to death and the ante-mortem injuries sustained on the body of the deceased are corroborated from the post-mortem report where the cause of death has been opined to be "cardio respiratory arrest due to severe external & internal hemorrhage and neurogenic shock and the dead body was kept in a fiery death". It further transpires that the investigating Officer (P.W.14) has also strengthened the evidence of main witnesses, P.W.9 and P.W.12 that the *tangi,* which was used in the murder of Lohra Singh and his wife Chhortahi Devi was seized from the house of Shankar Singh son of Mangru Singh and was sent to FSL, Ranchi for chemical examination, was matched with the blood of deceased Lohra Singh. It appears from the testimony of the witnesses of facts including P.W.9 and P.W.12 that there was no previous enmity between the parties, hence, there was no cause for false implication of the accused persons in the heinous offence of murder of both the deceased persons.

22. So far as the contentions of learned counsel for the appellants on the point of discarding the evidence of interested witness is concerned, it appears that the witness P.W.9 and P.W.12 are very natural witness and their evidence does not suffer from any embellishment and fully reliable witnesses.

23. On the point of 'related witness' and 'interested witness', the Hon'ble Apex Court in the case of ***Laltu Ghosh v. State of W.B.*** reported in ***(2019) 15 SCC 344***, has held at paras 12, 13, 14, 15 and 16 as under:-

"12. As regards the contention that the eyewitnesses are close relatives of the deceased, it is by now well-settled that a related witness cannot be said to be an "interested" witness merely by virtue of being a relative of the victim. This Court has elucidated the difference between "interested" and "related" witnesses in a plethora of cases, stating that a witness may be called interested only when he or she derives some benefit from the result of a litigation, which in the context of a criminal case would mean that the witness has a direct or indirect interest in seeing the accused punished due to prior enmity or other reasons, and thus has a motive to falsely implicate the accused.

13. Recently, this difference was reiterated in *Ganapathi* v. *State of T.N.* [*Ganapathi* v. *State of T.N.*, (2018) 5 SCC 549 : (2018) 2 SCC (Cri) 793].

"*14*. "Related" is not equivalent to "interested". A witness may be called "interested" only when he or she derives some benefit from the result of a litigation; in the decree in a civil case, or in seeing an accused person punished. A witness who is a natural one and is the only possible eyewitness in the circumstances of a case cannot be said to be "interested".…"

14. In criminal cases, it is often seen that the offence is witnessed by a close relative of the victim, whose presence on the scene of the offence would be natural. The evidence of such a witness cannot automatically be discarded by labelling the witness as interested. Indeed, one of the earliest statements with respect to interested witnesses in criminal cases was made by this Court in *Dalip Singh* v. *State of Punjab* [*Dalip Singh* v. *State of Punjab*, (1953) 2 SCC 36 : 1954 SCR 145 : AIR 1953 SC 364 : 1953 Cri LJ 1465] , wherein this Court observed: (AIR p. 366, para 26)

"*26*. A witness is normally to be considered independent unless he or she springs from sources which are likely to be tainted and that usually means unless the witness has cause, such as enmity against the accused, to wish to implicate him falsely. Ordinarily, a close relative would be the last to screen the real culprit and falsely implicate an innocent person."

15. In case of a related witness, the Court may not treat his or her testimony as inherently tainted, and needs to ensure only that the

evidence is inherently reliable, probable, cogent and consistent. We may refer to the observations of this Court in Jayabalan v. State (UT of Pondicherry) [Jayabalan v. State (UT of Pondicherry), (2010) 1 SCC 199 : (2010) 2 SCC (Cri) 966] : (SCC p. 213, para 23)

"23. We are of the considered view that in cases where the court is called upon to deal with the evidence of the interested witnesses, the approach of the court while appreciating the evidence of such witnesses must not be pedantic. The court must be cautious in appreciating and accepting the evidence given by the interested witnesses but the court must not be suspicious of such evidence. The primary endeavour of the court must be to look for consistency. The evidence of a witness cannot be ignored or thrown out solely because it comes from the mouth of a person who is closely related to the victim."

16. In the instant matter, as already discussed above, we find the testimony of the eyewitnesses to be consistent and reliable, and therefore reject the contention of the appellants that the testimony of the eyewitnesses must be disbelieved because they are close relatives of the deceased and hence interested witnesses."

24. In the case of ***Ramji Singh v. State of U.P.*** reported in ***(2020) 2 SCC 425***, the Hon'ble Apex Court has held at para 21 as under:-

"21. We must remember that the prosecution story is that six persons who were heavily armed, two of them with guns, killed the deceased in broad daylight. This itself shows that these accused persons were not scared of the villagers. While leaving the place of occurrence they threatened all gathered there by saying that anybody who tried to interfere would meet the same fate. In such a situation no other villager who may have been present would turn up to give evidence. This Court cannot lose sight of the harsh reality that witnesses are scared to depose in court. In this case two of the witnesses have spoken up and their evidence has been corroborated on all counts. It may be true that their relations with the accused may not have been cordial but the evidence does not show that the enmity or dispute between these two witnesses and the accused was of such a nature that these two witnesses would make false statements only to settle scores with the appellants thereby leaving the real culprits to go scot-free. In our opinion merely because

these witnesses are interested witnesses their testimony cannot be discarded."

25. From the aforesaid discussion and reasons, it appears that learned trial court has committed no illegality in relying the evidence of related witnesses including other attending circumstances of the case, which also reveals the commission of alleged offence committed by the present appellants. Therefore, we do not find any merits in these appeals, which stands **dismissed**.

26. Pending I.A(s), if any, is also disposed of, accordingly.

27. The appellants are in custody. Let a copy of this judgment be furnished forthwith to the appellants through learned counsel for the State.

28. Let a copy of this judgment be sent to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

Per Ananda Sen, J. : I agree

(Ananda Sen, J.)

High Court of Jharkhand, Ranchi

Dated:-06/11/2026

***Pappu*/-N.A.F.R.**

Uploaded on 06/11/2026