

imprisonment for life.

2. The case of the prosecution, as unfolded at the trial, may, in brief, be set out as under:

(i) On 04.10.1985, at about 8:00 PM, Lalan Koiry went to the house of one Vikrama Koiry, who was found to be quarreling with his brother. After Lalan Koiry returned to his house, accused Kailash Koiry @ Kailash Singh came and, on being called by accused Kailash Koiry, Lalan Koiry went away with him. On leaving his house, when Lalan Koiry was proceeding ahead with accused Kailash Koiry, they were seen to have been accompanied by accused Sheo Jatan Singh @ Sheo Jatan Koiry and Sheo Lochan Singh @ Sheo Lochan Koiry too. Since thereafter, Lalan Koiry did not return home, Lalan Koiry's mother, Fulmati Devi (PW 6), accompanied by her daughter, Janki Devi (PW 5), went, on the following morning, i.e., on 05.10.1985, looking for Lalan Koiry. On not finding Lalan Koiry in the village, she went to the house of Kailash Koiry; but Kailash Koiry was not found available at his house. Though Fulmati Devi went to the houses of accused Sheo Jatan Koiry and Sheo Lochan Koiry also, they, too, were not found present at their respective houses. Enquiries made, in this regard, by Fulmati Devi from her co-villagers did not yield any information with regard to the whereabouts of her son, Lalan Koiry.

(ii) At about 12 noon, on 05.10.1985, when Fulmati Devi accompanied by her daughter, Janki Devi (PW 5), was looking for her son, Lalan Koiry, they found Lalan Koiry lying dead with injuries on his body at the sugarcane field of Sudhu Bind.

(iii) Suspecting that Kailash Koiry, Sheo Lochan Koiry and Sheo Jatan Koiry were responsible for the death of her son, Lalan Koiry, because Lalan Koiry was alleged to have illicit relation with Chinta Devi, a niece of the accused persons, and had been threatened by Kailash Koiry, Shoe Jatan Koiry and Sheo Lochan Koiry with dire consequences, Fulmati Devi reported the occurrence to the Officer-in-Charge, Ramgarh Police Station, which was recorded in the form of her *fardbayan*.

(iv) Based on the *fardbayan* and treating the same as First Information Report, Ramgarh Police Station Case No. 147 of 1985, under Section 302/34 of the Indian Penal Code, was registered against the three accused persons, namely, (i) Kailash Koiry, (ii) Sheo Jatan Koiry and (iii) Sheo Lochan Koiry.

(v) During the course of investigation, *inquest* was held over the dead body of Lalan Koiry and, on completion of investigation, *charge sheet* was laid, under Sections 302/34 of the Indian Penal Code, against the accused persons, namely,

