

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.317 of 2022

Dinabandhu Behera

....

Petitioner

Mr. S.P.Mishra
Sr. Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.P.K.Maharaj,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

08.7.2022.

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard Mr. S.P.Mishra, learned Senior counsel, with Mr. Soumya Mishra for the Petitioner, and Mr. P.K.Maharaj, learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 2nd September, 2021 in connection with Kaniha P.S. Case No.226/2021 corresponding to G.R. Case No.1607/2021 pending in the court of learned Addl. Sessions Judge, Talcher for the alleged commission of the offence under Sections 498-A and 302 of I.P.C. on the allegation of killing his wife.
4. It is forcefully argued by Mr. Mishra that the materials on record clearly show that the deceased had committed suicide by

pouring herself with kerosene and setting herself on fire. At best it can be inferred that there was a minor quarrel between the husband and wife prior to the incident, but the same cannot be treated as an act of instigation for the deceased to commit suicide.

4. Mr.Maharaj, learned Addl. Standing Counsel for the State, has opposed the prayer for bail by submitting that from the eye witnesses account, a prima facie case of murder is clearly made out and, therefore, no leniency should be shown to the Petitioner at this stage.

5. Considering the submissions as above and the nature of accusations along with existence of materials prima facie in support thereof, I am not inclined to allow the prayer for bail at this stage, which is, therefore, rejected.

6. However, it is open to the Petitioner to renew his prayer after examination of Renubala Behera and Sujata Behera during trial. It is made clear that this Court has not expressed any opinion with regard to the merits of the case.

7. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge

