

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 353 of 2022

Baneswar Samantia & Another

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Petitioners

Mr. R.N. Patnaik, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. S.K. Mishra, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

08.04.2022

Order No.

4.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned Addl. Standing Counsel for the State.
3. The petitioners are in custody since 11.04.2021 in connection with Lahunipada P.S. Case No.61 of 2021 corresponding to G.R. Case No.219 of 2021 pending in the Court of learned Addl. Sessions Judge, Bonai for the alleged commission of offence under Sections 302/34 of IPC.
4. The FIR was lodged by the son of the deceased alleging that some unknown person has murdered his father. As is evident from the case diary, on the basis of tracking by the dog squad, the petitioners were arrested. It further transpires that the deceased had illicit relationship with the petitioner no.2, which is sought to be projected as the motive for killing him.
5. After considering the submissions made by learned counsel for the petitioner and on perusal of the materials on record, this Court finds no acceptable evidence prima facie to link the petitioners with the alleged occurrence.
6. Under such circumstances, taking into consideration the period of detention in custody, I am inclined to allow the prayer for

bail. Let the petitioners be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that they shall personally appear before the trial Court on each date of posting of the case without fail.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

