

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**BLAPL No.470 of 2022**

***Sibaram Behera***

....

***Petitioner***

Mr. S.R. Rout on behalf of Mr. S.K. Pattnaik, Advocate

-versus-

***State of Odisha***

....

***Opposite Party***

Mrs. S. Pattnaik, Additional Government Advocate

**CORAM:**

**SHRI JUSTICE B. P. ROUTRAY**

**ORDER**

**15.7.2022**

**Order No.**

- 02.
1. The matter is taken up through hybrid mode.
  2. Heard Mr. Smrutiranjana Rout on behalf of Mr. S.K. Pattnaik, learned counsel for the Petitioner and Mrs. S. Pattnaik, learned Additional Government Advocate.
  3. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Sibaram Behera in connection with Baidyanathpur P.S. Case No.101 of 2019, corresponding to S.T. Case No.30 of 2020 (G.R. Case No.760 of 2021) pending in the court of learned 1<sup>st</sup> Additional Sessions Judge, Berhampur, Ganjam for alleged commission of offence under Sections 307/326/302/120-B/34 of the Indian Penal Code read with Section 25(I-B)(a)/27 of the Arms Act.
  4. It is submitted that the Petitioner is inside custody since 5<sup>th</sup> June, 2019 and in the meantime two other co-accused persons, namely Bhalu @ Bhagaban Sahu and Sunil Kumar Nayak @ Sultan @ Titu have been released on bail by a co-ordinate bench of this court in BLAPL Nos.3846 of 2020 and 4613 of 2020 respectively, and the

present Petitioner is standing on the same footing with those co-accused persons. It is further submitted that the Petitioner has been entangled in the offences by aid of Section 120-B of I.P.C. But there is no material against him to reveal his involvement as one of the conspirators in commission of the crime.

5. On the other hand, Ms. Pattnaik, learned AGA opposes the prayer for bail by submitting that this Petitioner had one criminal antecedent. Regarding commission of offence of murder and with regards to materials about his involvement as conspirator, the telephonic calls with other co-accused persons and his coming from Surat prior to one month of the occurrence and staying in a rented house, have been well stated by different witnesses and also surfaced through telephonic call details. It is further submitted by Ms. Pattnaik that this Petitioner does not stand with similar footing with other co-accused persons already released on bail, in view of the materials available against him implicating in the present offences.

6. Upon hearing both parties and considering the submissions made by respective parties and the fact of release of co-accused persons namely, Sunil Kumar Nayak @ Sultan @ Titu and Bhagaban Sahu @ Bhalu who have also number of criminal antecedents, it is directed to release the present Petitioner on bail in the aforesaid case on such terms and conditions to be fixed by the learned court in seisin over the matter including the condition that, the Petitioner shall not be involved in any other offences while on bail and shall appear before the I.I.C., Baidyanathpur P.S. once in each fortnight till conclusion of trial, and shall not dissuade any witness directly or indirectly by way of inducement, threat or promise acquainted with the facts of the case

from disclosing such facts before the Court or tamper with the evidence.

6. It is made clear that violation of any such conditions fixed by this Court or by the Court below shall entail cancellation of bail and the learned trial court shall be competent to consider such question of cancellation.

7. The BLAPL is accordingly disposed of.

8. An urgent certified copy of this order be issued as per rules.

**(B.P. Routray)**  
**Judge**

M.K.Panda

