

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 930 of 2022

Rajesh Kumar Singh @ Raju Singh ... **Petitioner**

Mr. T.K. Sahu, Advocate

- Versus -

State of Odisha ... **Opposite Party**

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
07.02.2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 10.03.2021 in connection with Plantsite P.S. Case No.44 of 2021 corresponding to G.R. Case No.189 of 2021 pending in the Court of learned S.D.J.M., Panposh for the alleged commission of offence under Sections 302/120-B/34 of IPC.
4. The allegation is that the present petitioner being associated with some other persons committed the murder of one Sajjan Kumar Mittal @ Agarwal on 09.02.2021. It is further alleged that the petitioner and one Neel Paul @ Sarada, who are said be contract killers, were hired by co-accused- Dilip Kumar Sharma to commit the murder of the deceased and accordingly, all of them hatched a conspiracy. Charge sheet, however, clearly reveals that on the date of occurrence the deceased was assaulted by co-accused Rajat Biswakarma and Sujit Kumar Jha @ Ravaan.
5. Learned counsel for the petitioner submits that the petitioner

was picked up by the police and illegally detained in custody and when his wife filed a complaint before the learned S.D.J.M., Panposh, he was implicated in the case out of grudge. That apart, it is submitted that the role of the petitioner has been attempted to be shown only on the basis of the statement of the co-accused persons and there is no independent material to show his complicity in the occurrence. It is further submitted that the co-accused Neel Paul @ Sarada, who stands on the same footing as the petitioner, has been released on bail by order passed by learned 1st Additional Sessions Judge, Rourkela.

6. Learned Addl. Standing Counsel has opposed the prayer for bail by submitting that there is clear evidence that the petitioner was a part of the conspiracy to kill the deceased on contract and had also received money for it. It is further submitted that the petitioner is a hardened criminal and therefore, releasing him may pose danger to the society.

7. Having considered the rival submissions, materials on record, the period of detention already undergone, the fact that the petitioner appears to have been implicated entirely on the basis of the statement of the co-accused persons, the fact that no specific overt act has been attributed to him, and the fact that co-accused person, Neel Paul @ Sarada has already been released on bail, I am inclined to allow the prayer for bail, Let the petitioner 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 he shall personally appear before the trial Court on each date of posting of the case without fail and in case of default, necessary warrant shall be issued by the Court to take him to

custody. Further, he shall appear before the IIC, Plantsite Police Station once in every fortnight for a period of six months and a report to such effect shall be submitted to the Court below by the IIC.

8. BLAPL is accordingly disposed of.
9. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

