

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 988 of 2022

Santosh Benia @ Sanjaya

....

Petitioner

Mr. D.R. Bhokta, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. A. Pradhan, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

13.04.2022

Order No.

5.

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 in connection with Sunabeda P.S. Case No.160 of 2021 corresponding to G.R. Case No.831 of 2021 pending in the Court of learned S.D.J.M., Koraput for the alleged commission of offence under Sections 147/148/302/506/363/149 of IPC
4. It is alleged that the petitioner being associated with several other persons severely assaulted the deceased and caused his death thereby. The petitioner is not named in the FIR. However, in the statement of the one of the eye-witnesses, namely, Laxmikanta Khora recorded under Section of 161 Cr.P.C., he has been named as being one of the assailants. Of course, the said eyewitness has again specifically not named him in his statement recorded under Section 164 Cr.P.C. but he has named the other culprits and referred to other persons being involved in the occurrence. That apart, the petitioner has confessed to committing the crime.

However, from the other incriminating materials, a finger of suspicion is clearly pointed at the petitioner. Having regard to the circumstances as above, I am not inclined to allow the prayer for bail, which is therefore, rejected. It is however open to the petitioner to renew his prayer after examination of some materials witnesses in the case.

5. BLAPL is accordingly rejected.

(Sashikanta Mishra)
Judge

A.K. Rana

