

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1112 of 2022

Damburu Majhi	...	Petitioner Mr. J. Sahoo, Advocate
- Versus -		
State of Odisha	...	Opposite Party Mr. P. Tripathy, Addl. Standing Counsel

**CORAM:
JUSTICE SASHIKANTA MISHRA**

**ORDER
14.02.2022**

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 12.07.2021 in connection with Bargarh Sadar P.S. Case No.139 of 2021 corresponding to C.T. Case No.554 of 2021 pending in the Court of learned S.D.J.M., Bargarh for the alleged commission of offence under Sections 302/34 of IPC.
4. The allegation is that the petitioner along with several other persons came in a car to the spot of occurrence, assaulted the victim by means of sticks and batons etc., due to which he died.
5. It is submitted by learned counsel for the petitioner that the main allegation is against one Satya Budek, who assaulted the victim, and nothing specific has been stated against the present petitioner. It is further submitted that the co-accused, Satya Budek has already been released on bail as per order

passed by this Court in BLAPL No. 8588 of 2021.

6. Learned State Counsel has opposed the prayer for bail by submitting that the petitioner was part of the group, which assaulted the injured and hence must be held equal liable for the act in question.

7. Considering the submissions made, the materials on record, the period of detention already undergone and the fact that similarly placed co-accused persons have 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.

8. BLAPL is accordingly disposed of.

9. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana