

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1258 of 2022

Raghunath Amanatya

....

Petitioner

Mr. A. Mishra, 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 since 10.08.2019 in connection with Jeypore Sadar P.S. Case No.134 of 2019 corresponding to G.R. Case No.644 of 2019 pending in the Court of learned Addl. Sessions Judge, Jeypore for the alleged commission of offence under Section 302 of IPC.
4. The prosecution allegation is that the petitioner demanded money from the deceased to purchase alcohol and when she refused, the petitioner initially assaulted her by means of fist blows and kicks and thereafter being enraged, he assaulted her with a brick on her head causing fatal injuries. As it appears, there was no premeditation in the alleged act, rather the circumstances clearly suggests that the incident had arisen out of a sudden quarrel and the petitioner had assaulted the deceased in a fit of rage.
5. Considering the above fact, taking into consideration the period of detention in custody, 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, failing which necessary orders may be passed to take him to custody again by the Court below.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

A.K. Rana

