

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1608 of 2022

Mahadev Mahapatra

....

Petitioner

Mr. A. Tripathy, Advocate

- Versus -

State Of Odisha

....

Opposite Party

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

11.04.2022

Order No.

2.

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 04.02.2022 in connection with Itamati P.S. Case No.124 of 2020 corresponding to G.R. Case No.460 of 2020 pending in the Court of learned S.D.J.M., Nayagarh for the alleged commission of offence under Sections 458/326/366/337/427/307/354-B/302/506/34 of IPC.
4. It is alleged that the petitioner being a member of the group severely assaulted one Khetrabasi Mahapatra (deceased) causing several bodily injuries due to which he died. From the materials on record including the statements of some eye-witnesses, namely Radha Mahapatra and Soumya Ranjan Mishra, it appears that initially there was quarrel between two families, which was reported at the police station culminating in arrest of one Jagabandhu Mahapatra, who is related to the petitioner. Thereafter, the petitioner and other persons came to the house of the Khetrabasi Mahapatra and while he was attending the call of nature, one Biswajit Mahapatra and his father Nityananda Mahapatra brutally assaulted him by means of sword, due to which he died. The aforementioned witnesses, who appear to be

eyewitnesses, have not attributed any specific overt act whatsoever to the petitioner and both of them have consistently stated that Biswajit Mahapatra and Nityananda Mahapatra have assaulted the deceased with a sword.

5. Having regard to the above facts and the materials on record and particularly in the absence of any specific overt act being attributed to the petitioner, 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 Court in seisin over the matter on each date of posting of the case without fail and in case of even a single default, the Court below shall pass appropriate orders to take him to custody again. Further he shall not threaten or try to influence the witnesses in any manner.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana