

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1946 of 2022

Rasananda Sahu and others

....

Petitioners

Mr. M. Chand,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan,
Addl. Standing Counsel

Mr. A.K. Jena, Advocate
(for informant)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

20.4.2022.

Order No.

- 02.
1. This matter is taken up through hybrid mode.
 2. Heard learned counsel for the Petitioners, learned Addl. Standing Counsel for the State and learned counsel appearing for the informant.
 3. Learned counsel for the Petitioners does not want to press the Bail Application of Petitioner No.2- Basudev Sahu. Hence, the Bail Application of Petitioner No.2 is dismissed as not pressed.

The Bail Application in so far as Petitioner Nos.1, 3 and 4 are concerned is taken up for hearing.

4. The Petitioner Nos.1,3 and 4 are in custody since 6th July, 2021 in connection with Rairakhol P.S. Case No.121/2021 corresponding to S.T. Case No.53/2021 pending in the court of learned Addl. Sessions Judge, Rairakhol for the alleged commission of the offence under Sections 147/148/448/302/307/149 of I.P.C.

5. The allegation is that the Petitioner Nos.1,3 and 4 are members of one family. Being associated with several other persons and armed with deadly weapons they severely assaulted the deceased resulting in his death. It is submitted by the learned counsel for the Petitioners that in so far as Petitioner Nos.1,3 and 4 are concerned except for the allegation that they were present at the spot, no specific overt act has been attributed to them.

6. Learned counsel appearing for the informant has vehemently opposed the prayer for bail by submitting that it is a case of preplanned murder in which all the Petitioners were present being armed with deadly weapons and while the main assailants were assaulting the deceased, these Petitioners were instigating them.

7. Learned Addl. Standing Counsel for the State has also opposed the prayer for bail by submitting that once the

presence of the Petitioners is proved, then all of them are equally liable.

8. Considering the submissions as above, the materials on record and taking into account the fact that Petitioner No.1 is aged about 90 years while Petitioner No.3 is a lady aged about 65 years and Petitioner No.4 is also a lady aged about 45 years as also the fact that except for their presence at the spot, no specific overt act has been attributed to them and further taking into account the period of their detention in custody, I am inclined to allow the prayer for bail.

9. Let the Petitioner Nos.1,3 and 4 be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that they shall appear before the court below on each date of posting of the case without fail.

10. The BLAPL is disposed of.

11. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge

