

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1996 of 2022

Ram Chandra Behera

....

Petitioner

Mr. D.P. Dhal, Sr. Advocate
along with Mr. R. Prusty, Advocate

- Versus -

State of Odisha

....

Opposite Party

Mr. S.K. Mishra, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
30.03.2022

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 15.06.2021 in connection with Padampur P.S. Case No.226 of 2020 corresponding to G.R. Case No.974 of 2020, now the case has been committed to the Court of Sessions in C.T. Case No. 49 of 2021 pending in the Court of learned Addl. Sessions Judge, Padampur for the alleged commission of offence under Sections 147/148/307/302/323/325/326/149 of IPC.
4. The prosecution allegation is that a group of persons including the petitioner came to the spot being armed with weapons like axe, iron rod and lathis etc and assaulted Bhimsen Behera and others. While there is specific allegation against the present petitioner of having assaulted Bhimsen Behera and others, there is no such allegation against him of assaulting the deceased Manoj Behera. In so far as the attack on the deceased is concerned, no specific overt act has been attributed to the petitioner. It further appears that one

Prafulla Behera, who stands on the same footing as the petitioner, has already been granted bail as per the order passed by this Court in BLAPL No. 9187 of 2020.

5. Taking into consideration all the above facts and 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 failing which necessary orders shall be passed by the Court to take him to custody again.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana