

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2372 of 2022

**Ashok Padhan @ Ashok Kumar
Padhan**

....

Petitioner

Mr. M. Kanungo, Sr. Adv.
with Mr. S.K. Tripathy.
Advocate

-Versus -

State of Odisha

....

Opp.Party

Mr. P. Pattnaik, AGA
Mr. K.A. Guru, Adv. (for informant)

CORAM:

JUSTICE SASHIKANTA MISHRA

**ORDER
20.10.2022**

**Order No.
10.**

1. This matter is taken up through hybrid mode.
2. Heard learned Sr. Counsel for the petitioner, learned Addl. Standing Counsel for the State and learned counsel for the informant.
3. The petitioner is in custody since 17.04.2021 in connection with Katarbaga P.S. Case No.165 of 2021 corresponding to G.R. Case No.3507 of 2021 pending in the Court of learned S.D.J.M., Sambalpur for the alleged commission of offence under Sections 147/148/307/302/149/201/212 of IPC.
4. It is alleged that the petitioner along with five other persons brutally assaulted the deceased by means of deadly weapons causing severe bodily injuries on his person which ultimately led to his death. It is submitted that the matter arose out of a group clash in which both the parties have sustained injuries and therefore, it cannot be treated as case of murder under Section 302 IPC.
5. Learned State Counsel has opposed the prayer for bail by referring to the injury report sustained by the deceased, which clearly reveals the intent to do away with his life.

6. Learned counsel appearing for the informant has opposed the prayer for bail by submitting that the deceased was assaulted deliberately with the intention of causing his death.

7. Considering the submissions as also the nature and numbers of injuries sustained by the deceased, I am not inclined to allow the prayer for bail, which is therefore, rejected.

8. BLAPL is accordingly rejected.

(Sashikanta Mishra)
Judge

A.K. Rana

