

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2489 of 2022

Lachhukrushna Panda and another. **Petitioners**
Mr. G.K. Mohanty, Adv.
- Versus -
State of Odisha **Opposite Party**
Mr. P. Tripathy,
Addl. Govt. Advocate

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
14.10.2022

Order No.
03.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned Addl. Standing Counsel for the State.
3. The petitioner no.1 is in custody since 26.11.2021 and petitioner no.2 is in custody since 25.11.2021 in connection with Dhenkanal P.S. Case No.604 of 2021 corresponding to G.R. Case No.1396 of 2021 pending in the Court of learned S.D.J.M., Dhenkanal for the alleged commission of offence under Sections 302/34 of IPC.
4. It is alleged that the petitioners allowed their cows to graze in the paddy field of the informant, because of which there was an altercation between the brother of the informant and the petitioners. Subsequently, there was quarrel between them, in course of which the petitioners are said to have assaulted the deceased by means of wooden plank causing injury on his head, which ultimately resulted in his death.

5. It is submitted that the incident arose out of a sudden quarrel without any premeditation. Prima facie, I find considerable force in such submission. In the absence of evidence of premeditation or intention to kill, the offence under Section 302 IPC does not appear to be made out.

6. Considering the above fact as also taking into account the period of detention of the petitioners in custody, I am inclined to allow the prayer for bail. Let the petitioners 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 they shall personally appear before the trial Court on each date of posting of the case without fail.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

