

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2555 of 2022

Pitambar Majhi @ Pritam Majhi

....

Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Orissa

....

Opp. Party

Mr. S.R. Roul, ASC

CORAM:

JUSTICE G. SATAPATHY

ORDER

24.11.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the petitioner for grant of bail in connection with Jharigaon P.S. Case No.95 of 2021 corresponding to C.T. Case No.43 of 2021 arising out of G.R. Case No.404 of 2021 pending in the Court of learned Additional Sessions Judge, Umerkote for commission of offences punishable under Sections 302/120-B/34 of IPC, on the allegation of committing murder of one Manu @ Manbodh Gond by stabbing on his chest.
 3. In the course of hearing of the bail application, Mr. S. Dwibedi, learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is no way connected with the murder of the deceased. It is further submitted by him that the petitioner is inside the jail custody since 03.07.2021 and even if the materials are taken to be true, no case U/S.302 of IPC would be attracted against the petitioner, in view of the facts that there was one

stab injury sustained by the deceased, who had also assaulted the petitioner as stated by him before one Laxmichandra Chalan and the deceased died after seventeen days of the occurrence in a hospital. It is also submitted by him that the said Laxmichandra Chalan and another eye witness-Bhajamohan Gouda have already been examined by the learned trial Court, but they have not supported the prosecution case. Learned counsel for the petitioner under the aforesaid submissions prays to enlarge the petitioner on bail.

4. On the contrary, Mr. S.R. Roul, learned Additional Standing Counsel for the State vehemently opposes the bail application of the petitioner.

5. Considering the rival submissions made, nature and gravity of accusations raised against the petitioner as also the gravity of offence alleged and the FIR was lodged by the deceased himself alleging against the petitioner for stabbing him and taking into consideration the other circumstances in entirety, this Court, therefore, does not feel it proper to grant bail to the petitioner.

6. Hence, the prayer for bail of the petitioner stands rejected.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge