

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2612 of 2022

Kulu @ Kalu Manoranjan Barik		Petitioner Mr. D. Das, Advocate
- Versus -		
State of Odisha		Opposite Party Mr. P.K. Maharaj, Addl. Standing Counsel

**CORAM:
JUSTICE SASHIKANTA MISHRA**

ORDER
12.05.2022

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 16.10.2021 in connection with Raghunathpur P.S. Case No.142 of 2021 corresponding to C.T. Case No.43 of 2022 pending in the Court of learned Sessions Judge, Jagatsinghpur for the alleged commission of offence under Sections 302/34 of IPC.
4. The prosecution case is that when the deceased Himansu Rana was going on a motorcycle with his friend to see Durga Puja, there was a minor accident on the way with the motorcycle of one Jani @ Barada Behera which led to a quarrel, in course of which there was a scuffle between two groups. While the said Jani @ Barada Behera uprooted a bamboo plank from road side and assaulted the deceased and his friend, the present petitioner gave some fist and kick blows. It is also evident that the said Jani @ Barada Behera dealt a blow with the bamboo plank on the left ear root of the

deceased due to which he fell down and died at the spot. The postmortem report also reveals the cause of death as cranio cerebral injuries and its complications.

5. Having regard to the above fact and the nature of involvement of the petitioner in the alleged occurrence, as also taking into account the period of his detention in custody coupled with the fact that charge sheet has already been submitted, 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 without fail.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

