

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2219 of 2021

Prabhat Kaushal

.... Petitioner

Mr. J. Sahu
Advocate

-versus-

State of Odisha

.... Opposite Party

Mr.P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
08.8.2022.

Order No.

10. 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 6th July, 2020 in connection with Bargarh P.S. Case No.225/2020 corresponding to C.T. Case No.621/2020 pending in the court of learned Addl. District and Sessions Judge, Bargarh for the alleged commission of the offence under Section 302/34 of I.P.C.

4. The prosecution case is that the deceased and another person were going in a motor cycle while two other persons came from the opposite side and because of a mud puddle on the road, some muddy water was splashed on the face of the said persons due to which there was altercation between them. The deceased called his friends while the persons on whom the mud had splashed also called their friends. After sometime, the friends of the said persons came to the spot and there was a tussle between the two groups, in course of which, the Petitioner is said to have assaulted the deceased by means of a knife causing bleeding injuries which ultimately led to his death. It is submitted that the incident in question arose out of a sudden quarrel without any premeditation or a definite intention to kill the deceased. At best it can be said to be the effect of a road rage. The other co-accused persons have been released on bail as per orders passed by this Court in BLAPL Nos.8323/2020, 6718/2020 and 7490/2020 though the Petitioner is not exactly on the same footing as the said co-accused persons yet, fact remains that from the nature of the occurrence, it cannot be definitely said that he had assaulted the deceased with an intention to kill him.

5. Considering the above facts as also the period of detention of the Petitioner in custody, I am inclined to allow the prayer for bail. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall

appear before the trial court on each date of posting of the case and in case of even a single default, necessary orders shall be passed by the court to take him to custody again.

6. The BLAPL is disposed of.

7. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge

