

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 2780 of 2022**

**Sagar Sahu**

**.... Petitioner**  
Mr. J. Sahoo, Advocate

- Versus -

**State of Odisha**

**.... Opposite Party**  
Mr. P. Tripathy, 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 02.01.2022 in connection with Khallikote P.S. Case No.736 of 2021 corresponding to G.R. Case No.1629 of 2021 pending in the Court of learned J.M.F.C., Khallikote for the alleged commission of offence under Sections 302/120-B/34 of IPC.
4. FIR was lodged in the case against unknown persons. The petitioner's complicity coming to the light during investigation mainly from the statement of one Rajesh Pradhan, who is not only an eyewitness but also one of the injured. As per the statement, the petitioner and two other persons followed the deceased and the injured on a motorcycle and blew horn in order to make their presence known, whereupon two persons came from the road side and brutally assaulted the deceased as well as the injured.

5. From the materials on record, it appears that no specific overt act has been attributed to the petitioner in so far as the assault on the deceased is concerned.

6. Considering the above fact, the fact of submission of charge sheet and taking into account 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 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 failing which necessary orders may be passed to take him to custody again by the Court below.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

**(Sashikanta Mishra)**  
**Judge**

*A.K. Rana*

