

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2904 of 2022

Kailash Choudhary

....

Petitioner

*Mr. Gajendra Kumr Khilar,
Advocate*

-Versus -

State of Odisha

....

Opposite Party

*Mr. S.K. Mishra,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

09.09.2022

Order No.

4.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 09.03.2020 in connection with Bidanasi P.S. Case No. 38 of 2022 corresponding to G.R. Case No. 260 of 2022 pending in the court of learned S.D.J.M.(S) Cuttack for the alleged commission of offence under Sections 302?201/34 of IPC
4. It is alleged that the petitioner was involved in the murder of one Ajay Yadav. It appears from the materials on record that on the date of occurrence, the co-accused Munilal Sharma shoved a broken beer bottle into the belly of the deceased and also threw a stone at him and when the deceased fell down, the accused is said to have assaulted on his head repeatedly causing his death. In so far as the role of present petitioner is concerned, he said to have

gone to the house of co-accused Pankaj Sharma with the principal accused, namely, Munilal Sharma. No other specific overt act has been attributed to him.

5. Considering the submissions and the materials on record regarding the role of the petitioner, 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. The BLAPL is accordingly disposed of.

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

(Sashikanta Mishra)
Judge

