

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3067 of 2022

Dana Bisoi and another

.... ***Petitioners***
Mr. S.K. Nayak, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. P.K. Pattnaik, AGA

**CORAM:
JUSTICE G. SATAPATHY**

Order No.

**ORDER
09.11.2022**

- 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 petitioners for grant of bail in connection with B.Singhpur P.S. Case No.121 of 2021 corresponding G.R. Case No.243 of 2021 pending in the Court of learned J.M.F.C., Borigumma for commission of offences punishable under Sections 147/148/302/307/506/149 of I.P.C. read with Section 25/27 of Arms Act, on the allegation of committing murder of the deceased Fakhir Mohan Bisoi by dealing successive sword blows on his head and different parts of the body along with co-accused persons in prosecution of their common object.
 3. In the course of hearing of the bail application, learned counsel for the petitioners submits that the petitioners along with other three co-accused persons have allegedly killed the deceased by using successive blows by means of swords and other sharp cutting weapons but it is not clarified as to which accused played what role or held what type of weapons and how such accused persons had

assaulted the deceased. It is further submitted by him that all the accused persons hailing from one family are residing in the same village and they are in inimical terms with the family members of the deceased which led the family members of the deceased to rope the petitioners and others falsely in this case. It is further submitted that the only weapon of offence was recovered pursuant to the disclosure statement of accused Bidyadhar Bisoi and he, thereby, is the principal accused in this case, but rest of other accused persons, more particularly the petitioners having not assaulted the deceased may kindly be enlarged on bail at least on the principle of parity since one of the co-accused namely, Khyamasagar Bisoi has already been granted bail in BLAPL No.10468 of 2021 and the petitioners stand on similar footing with accused Khyamasagar Bisoi. It is accordingly prayed to grant bail to the petitioners.

4. On the contrary, learned counsel for the State submits that the petitioners are not only the principal accused persons but were also found assaulting the deceased by means of sword and sharp cutting weapons and the statement of witnesses itself would go to show that the petitioners and others had dealt successive sword blows on the deceased resulting in the death of the deceased and the post mortem report itself is indicative of number of injuries found on the person of the deceased which by itself go to show that the petitioners and others had conjointly assaulted the deceased by means of swords and, therefore, the petitioners should not be enlarged on bail. It is also further submitted by him that the bail application of co-accused Bidyadhar Bisoi who stands on similar footing with the petitioners has already been turned down by this Court in BLAPL No.11607 of 2021.

5. In view of the above facts and considering the rival

submissions advanced on behalf of the parties and further keeping in view the material allegations on record that appear against the petitioners from the statement of witnesses Narasingh @ Ghasi Paika and others and regard being had to the number of injuries noticed on the person of the deceased as per his post mortem report and such injuries being not only lacerated wounds but also chop wounds and taking into consideration the manner and circumstance of the crime as well as refusal of bail to co-accused Bidyadhar Bisoi, this Court considers it undesirable to grant bail to the petitioners.

6. Hence, the prayer for bail of the petitioners stand rejected.
7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

Subhasmita

