

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4082 of 2022

Beta @ Bibekanada @ Santosh ***Petitioner***
Handash

Mr. S.R. Rout, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. G.R. Mohapatra, A.S.C.

CORAM: MR. JUSTICE S.K. PANIGRAHI

ORDER
20.05.2022

Order No.

02. 1. The matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner being in custody in connection with Chandua PS Case No.20 of 2018 corresponding to S.T. Case No.52 of 2019, pending before the court of learned Additional Sessions Judge II, Mayurbhanj, Baripada for the commission of offences under Sections 302 and 120-B/34 of Indian Penal Code, has filed this application under Section 439 of CrPC for his release on bail.
4. The prosecution case, in brief, is that the accused Shiva and Duna are two brothers and they were suspecting the deceased-Sonu to be practicing black magic against their family for which two of their family members died due to fever and therefore they conspired to

kill the deceased. Accordingly, they hired the present accused-Beta for the said purpose and the accused-Beta, subsequently committed the murder of the deceased by means of a 'Katuri'. Thereafter, the informant lodged the written report against the petitioner.

5. Learned counsel for the petitioner submits that the petitioner has been implicated in the case on the basis of confessional statement of the co-accused. The charge-sheet has been filed. The petitioner is in custody since 15.06.2018. So, the bail petition may be allowed.

6. Learned counsel for the State opposes the bail prayer of the petitioner on the ground that the offences alleged against the petitioner are heinous in nature.

7. Considering the aforesaid submissions, facts of the case and the fact that there is no change in circumstance, I am not inclined to grant bail to the petitioner.

8. However, the learned trial judge is directed to conclude the trial of S.T. Case No.52 of 2019 within a period of four months hence.

(S.K. Panigrahi)
Judge

pcd