

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4410 of 2022

Mina Behera

.... Petitioner

Mr. A.K.Sarangi
Advocate

-versus-

State of Odisha

.... Opposite Party

Mr.S.K.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

13.10.2022.

Order No.

- 05.
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 20th October, 2021 in connection with Orient P.S. Case No.148/2022 corresponding to C.T. (Sessions) Case No.15/2022 pending in the court of learned Sessions Judge, Jharsuguda for the alleged commission of the offence under Sections 302/201/34 of I.P.C.

4. It is alleged that the Petitioner called the deceased to his house whether he and his other friends were present and they all consumed liquor and thereafter the deceased was shot from a gun by the Petitioner. Except for the confessional statement under Section 27 of the Indian Evidence Act, there is no direct evidence showing the complicity of the Petitioner in the occurrence. The evidence of other witnesses merely suggest the presence of the deceased in the house of the accused prior to the occurrence. Having regard to the fact that several other persons were also present in the house of the Petitioner at the relevant time, prima facie it cannot be conclusively held that it was the Petitioner, who had committed the murder of the deceased.

5. Considering the above facts, the materials on record and 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 personally 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. Further the Petitioner shall appear before the I.I.C. of Orient P.S. on every alternate day at 10 A.M. for a period of one year and such fact shall be certified by the I.I.C. to the concerned Court once in a month.

6. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

