

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4434 of 2022

Saughan Nag

.... ***Petitioner***
M/s. M.K.Chand, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.P.K.Patnaik, AGA

CORAM:

JUSTICE G. SATAPATHY

ORDER

13.12.2022

Order No.

- 07.
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 Petitioner for grant of bail in connection with Ainthapali P.S. Case No.471 of 2021 corresponding to S.T. Case No.23 of 2022 pending in the Court of learned Sessions judge, Sambalpur for commission of offence punishable U/Ss. 147/148/149/302 of the I.P.C. on the allegation of committing murder of one Soni Bar.
 3. In the course of hearing of the bail application, Mr.M.Chand, learned counsel for the petitioner submits that there was assault and counter assault between two groups of people near a temple and after the brawl was finished, both the parties left the spot, but one of the member of one group went to the house of co-accused Nabaghana Nag along with others and assaulted the said Nabaghana Nag and also manhandled her mother, and suddenly when police came to the spot, all the persons fled away except the deceased who concealed

himself in a thatched house and when the police left, some of the co-accused persons assaulted the deceased, but the petitioner was never alleged to have assaulted the deceased at any point of time and thereby, his name has not been reiterated in the FIR. It is further submitted that the only allegation appearing against the petitioner is confession of co-accused and counter blast in Khetraipur P.S. Case No. 229 of 2021, but such confession of co-accused is not admissible in the eye of law and the very implication of the petitioner in this case is without any basis and the present petitioner having not committed any offence and detained in custody for more than one year, may kindly be granted bail.

4. On the contrary, Mr.P.K.Patnaik, learned counsel for the State by taking through the statement of one Banti @ Samir Sagar submits that the said Banti @ Samir Sagar is an eye witness to the occurrence and he has seen the petitioner assaulting the deceased resulting in the death of the deceased and the bail application of co-accused namely, Shakti Nag who is similarly situated with the petitioner has already been rejected by this Court in BLAPL No. 3802 of 2022 and, thereby, the present petitioner shall not be released on bail.

5. Considering the rival submissions made, nature and gravity of accusations raised against the petitioner as also the gravity of offence and regard being had to the statement of Banti @ Samir Sagar and taking into consideration the refusal of bail to co-accused Shakti Nag as submitted and other circumstance on record in entirety, this Court does not find any reason to grant bail to the petitioner.

Hence, the bail application of the petitioner stands rejected. The petitioner may renew his prayer for bail after examination of

Banti @ Samir Sagar as submitted by learned counsel for the petitioner.

6. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge

Kishore

