

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.5112 of 2022

***Daktar @ Daka @ Akhaya
Behera***

....

Petitioner

*Mr. Digambar Sethi,
Advocate*

-Versus -

State of Odisha

Opposite Party

....

*Mr. M. Mishra,
Additional Standing Counsel*

CORAM:
JUSTICE SASHIKANTA MISHRA
ORDER
13.10.2022

Order No.
2.

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 in connection with Pandapada P.S. Case No.121 of 2021 corresponding to G.R. Case No.2038 of 2021 pending in the Court of learned Sessions Judge, Keonjhar for the alleged commission of offence under Sections 365/302/120-B/201/34 of IPC.
4. It is alleged that the petitioner being associated with four other persons committed the murder of the deceased, who was working as a night watchman in a School. The deceased's son lodged FIR that the deceased did not return home from duty. His dead body was found four days later. Since there was a prior enmity between Bhagirathi Mahanta and the deceased because of an alleged illicit

relationship between the deceased and his wife it was suspected that the petitioner might have had a role to play in the death of the deceased. Subsequently, during investigation, the said Bhagirathi Mahanta is said to have confessed before police that he along with other persons including the present petitioner had conspired and killed the deceased. As it appears except for the confessional statement of the co-accused and some evidence to show ill feeling between the deceased and Bhagirathi Mahanta, who is the brother of the petitioner, there is no acceptable material to link the petitioner with the alleged occurrence.

5. Considering the above facts, materials on record and the period of detention in custody, 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 Court in seisin over the matter on each date of posting of the case without fail.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

B.c. Tudu