

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6008 OF 2022

Banabas Majhi

***..... Petitioner
Mr. S.N.Mishra-4, Adv.***

-versus-

State of Odisha

***..... Opposite Party
Mr. P.K.Moharaj, ASC***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
12.08.2022**

**Order No.
03.**

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. The Petitioner is an accused in connection with S.T. Case No.90 of 2020 arising out of Boden P.S. Case No. 96 of 2020 pending on the file of learned JMFC, Boden, registered for the alleged commission of offence under Sections 302/201/147/148/326/120-B of the I.P.C.
4. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned Sessions Judge, Nuapada by order dated 22.06.2022 in BLAPL No.65 of 2022, the present BLAPL has been filed.
5. Learned counsel for the petitioner relying on the order of this Court relating to co-accused persons, namely, Rushi @ Rushikesh Majhi in BLAPL No.9477 of 2021 dtd.12.01.2022, Panchuram Majhi in BLAPL No. 3619 of 2021 dtd.22.12.2021, Premsingh Majhi in BLAPL No. 3616 of 2021 dtd. 22.12.2021, Kapila @ Kaibalya Majhi

in BLAPL No. 3618 of 2021 dtd.22.12.2021 and Biswa @ Biswanath Majhi in BLAPL No. 4350 of 2022 dtd.15.07.2022, seeks release inter alia on the ground of parity.

6. Learned counsel for the State on going through the material on record submits that so far as the petitioner Banabas Majhi is concerned, is not similarly circumstanced.

7. This Court had occasion to take into account the allegation vis-à-vis the petitioner Banabas Majhi. Considering the materials on record and keeping in view that the petitioner has not participated in the assault which has resulted in death, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

08. Accordingly, the BLAPL stands disposed of.

09. Issue urgent certified copy of this order as per Rules.

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