

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6347 of 2022

***Gagan @ Nandan Kumar
Behera***

....

Petitioner

Mr. A.K. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
27.09.2022**

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in G.R. Case No.829 of 2020 pending in the file of learned 2nd Additional Sessions Judge, Khordha in S.T. Case No.30 of 2021, arising out of Khordha P.S. Case No.243 of 2020, offence under Sections 147/148/307/302/149 of IPC and is in custody since 15.07.2020.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Khordha by order dated 29.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that out of 9 eye witnesses who have already been examined all have resiled. It is further submitted that since the petitioner is similarly circumstanced with the co-accused Nilu @ Rakesh Kumar Sahoo

and Bapina @ Debakanta Dash who have been released on bail by this Court by order dated 15.02.2022 in BLAPL No.4402 of 2021 and order dated 11.05.2022 in BLAPL No.3155 f 2022 respectively, petitioner may be released on bail.

6. Learned counsel for the petitioner also draws the attention of this Court to the order of rejection passed by the learned Court in seisin over the matter that the overt act of causing the stab injury to which the deceased succumbed is attributed to one Miku, who is not the petitioner in this bail application before this Court.

7. Taking into account the release of the co-accused and that none of the prosecution witnesses examined so far have supported the prosecution, 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 so as to ensure his presence on each date of trial.

8. Accordingly, the BLAPL stands disposed of.

9. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi