

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLA No.558 of 2022**

***Pruthiraj Mahanta @ Lipun*** .... ***Appellant***

*Mr. P.S. Das, Advocate*

*-versus-*

***State of Odisha & another*** .... ***Respondents***

*Mr. Debasis Biswal,  
Addl. Standing Counsel*

**CORAM:  
JUSTICE S.K. SAHOO**

**ORDER  
19.09.2022**

**Order No.**

03. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

Learned counsel for the State submits that notice on the informant has been made sufficient.

None appears for the informant.

Heard learned counsel for the appellant, learned counsel for the State.

This is an appeal under section 14-A of S.C. & S.T. (PoA) Act, 1989 in connection with Special Case No.31 of 2022 arising out of Harichandanpur P.S. Case No.73 of 2022 pending in the Court of learned Sessions Judge -cum- Special Judge under SC & ST (PoA) Act, Keonjhar for offences punishable under section 302/34 of the Indian Penal Code and sections 25 and 27 of the Arms Act read with section

3(2)(v) of the S.C. & S.T. (PoA) Act.

The appellant moved an application for bail before the Court of learned Addl. Sessions Judge -cum- Special Judge (Vigilance), Keonjhar, which was rejected on 20.06.2022.

Learned counsel for the appellant submits that the appellant is in judicial custody since 28.04.2022 and he has been charge sheeted under section 302/34 of the Indian Penal Code and sections 25 and 27 of the Arms Act read with section 3(2)(v) of the S.C. & S.T. (PoA) Act. It is further submitted that the occurrence in question took place on 26.04.2022 and as per the eye witness account of one Amar Mohapatra, a sudden quarrel ensued between the appellant and the co-accused Sipu @ Manoj Patra in one hand and the deceased Jagabandhu Mohapatra on the other hand when the deceased delayed in giving cigarette to the accused persons. Learned counsel further submitted that during the sudden quarrel, the co-accused Sipu @ Manoj Patra fired gun shot at the deceased, which resulted in his death and in absence of any specific overt act alleged against the appellant, the bail application may be favourably considered.

Learned counsel for the State has produced the case records and fairly submitted that the appellant is having no criminal antecedents. He also placed the statement of Sukamani Mohapatra, another eye witness to the occurrence.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the appellant, since specific overt-act has been attributed against the co-accused Sipu @ Manoj Patra, absence of any criminal antecedent against the appellant and

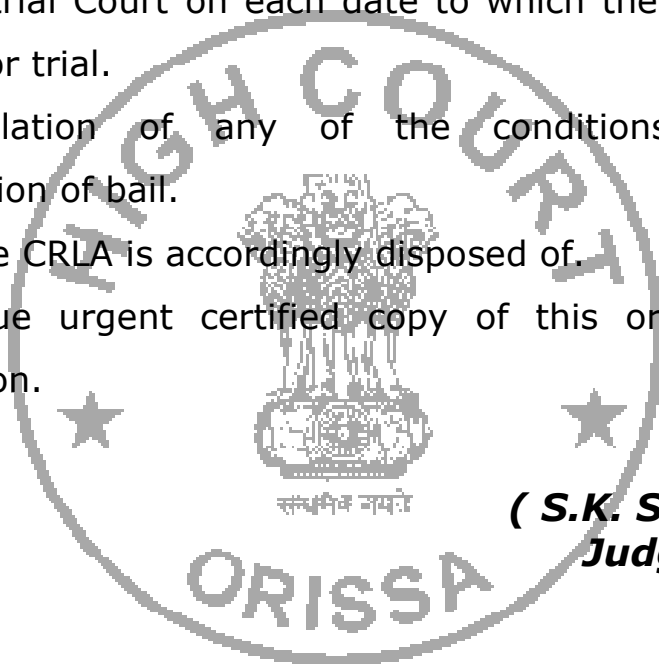
taking into account the period of detention of the appellant in judicial custody, I am inclined to release the appellant on bail.

Let the appellant be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court may deem just and proper with further conditions that he shall not indulge in any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the conditions shall entail cancellation of bail.

The CRLA is accordingly disposed of.

Issue urgent certified copy of this order on proper application.



**( S.K. Sahoo )**  
**Judge**

PKSahoo