

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7155 of 2022

Shyamlal Suna and another

Petitioners

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

17.08.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are accused in G.R. Case No.310 of 2019, on the files of S.D.J.M. Patnagarh, arising out of Khaprakhol P.S. Case No.65 of 2019, under Sections 370/34 of the IPC and is in custody since 11.07.2022.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Patnagarh, by order dated 21.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioners that in the meanwhile investigation has been concluded in as much as charge sheet has been filed under Section 370/34 of IPC. The allegation is that the husband of Banita Bariha the informant

Satyanarayan Bariha was engaged for working in Bricklin Factory for which an advance was paid to the informant and her husband. Since the said Satyanarayan Bariha had gone missing on the basis of ICC case, investigation was instituted culminating in the filing of charge sheet.

6. Learned counsel for the petitioners has placed on record the statement of one Sanibari Bariha and Ganesh Ram Bariha who had gone along with the Satyanarayan Bariha since missing to Andhra Pradesh. It is borne out from their statement that Satyanarayan Bariha-the husband of the informant had gone to the Andhra Pradesh with others but they could not trace him in Andhra Pradesh.

7. Taking into account the nature of allegations and filing of charge sheet, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter. The statement of Sanibari Bariha and Ganesh Ram Bariha is kept on record.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi