

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8306 of 2022

Satya @ Satyanarayan Hans

Petitioner

Mr. P.K. Nayak, Advocate

-versus-

State of Odisha

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

14.09.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
4. The petitioner is accused in Sindhkhela P.S. Case No.49 of 2022 corresponding to G.R. Case No.85 of 2022 and SC No.29 of 2022, pending in the Court of learned Additional Sessions Judge, Kantabanji, for commission of alleged offences under Sections 341/294/323/354/302/506/325/34 of IPC.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Kantabanji, by order dated 05.08.2022 in the aforementioned case, the present BLAPL has been filed.
6. It is submitted by the learned counsel for the petitioner that even if the entire prosecution allegation is accepted at its face value, the fatal blow is not attributed to the petitioner but to the co-

accused, his father Jalandhar Hans. It is further submitted that the incident had occurred because of dissention in the families and there is no pre meditation in committing the offence.

7. Learned counsel for the State opposes the prayer for bail and it is submitted that on materials on record, it is clearly established that both the petitioner and his father has assaulted the deceased.

8. This Court had occasion to peruse the statement of the one of the eyewitnesses Nilamani @ Nilambar Hans and the Post mortem report. From the eyewitness account, it is manifestly clear that the fatal blow was given by the father of the petitioner and the Post mortem report also testifies the same.

9. Taking into account the background in which the offence was committed and the role ascribed to the present petitioner since charge-sheet has already been filed, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha