

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

**BLAPL No.8667 of 2022**

***Sourav Birtia***

....

***Petitioner***

Mr. S.K. Mohanty, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. K.K. Gaya, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**

**22.12.2022**

**Order No.**

02.

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in C.T. Case No.12 of 2022 pending on the file of learned Addl. Sessions Judge, Jharsuguda, arising out of Badmal P.S. Case No.204 of 2021, for commission of offence under Section 302/34 IPC.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C by the learned Addl. Sessions Judge, Jharsuguda by order dated 02.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the Petitioner is in custody since 05.11.2021 and charge sheet has been filed on 11.12.2022.
5. He further submits that since Bharat Koudi, Radheshyam Bariha and Pitambar Kisan, who are charge sheeted witnesses, have

not supported the prosecution, his further continuance in custody is not warranted.

6. Per contra, learned counsel for the State submits that there are 37 charge sheeted witnesses and most of them are eye witnesses.

7. Keeping in view the manner in which the alleged occurrence took place, this Court is not inclined to entertain this bail application at this stage.

8. Accordingly, the BLAPL stands rejected.

*PKS*

