

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

**BLAPL No.7665 of 2021**

***Harish Chandra Biswal & another*** .... ***Petitioners***  
*M/s. H.N.Tripathy, Advocate*

*-versus-*

***State of Orissa*** .... ***Opp. Party***  
*M/s. D. Nayak, A.G.A.*

**CORAM:**

**JUSTICE G. SATAPATHY**

**ORDER**

**25.08.2022**

**Order No.**

- 07.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
  2. This is an application U/S. 439 of Cr.P.C. by the Petitioners for grant of bail in connection with Banarpal P.S. Case No.205 of 2021 corresponding to G.R. Case No.657 of 2021 pending in the Court of learned J.M.F.C., Banarpal for commission of offence punishable under Sections 302/34 of I.P.C.
  3. It is submitted on behalf of the petitioners that co-accused standing on similar footing has already been enlarged on bail by order of the learned Addl. Sessions Judge, Angul and the present petitioners having no direct allegations of assaulting the deceased and they having detained in custody since 4.7.2021, may be released on bail on any stringent condition.
  4. In reply, learned counsel for the State while opposing the prayer for bail of the petitioners submits that number of injuries were noticed on the body of the deceased and there is direct allegation against the petitioners for assaulting the deceased and the petitioners, therefore, are not entitled to bail.
  5. On coming back to the materials placed on record, it is never

in dispute that the co-accused namely, Sibani Biswal against whom similar allegation is levelled, has already been enlarged on bail by the learned Addl. Sessions Judge, Angul on 21.3.2022 in Bail Application No. 409 of 2021. Petitioners are the elder brother and sister-in-law of the deceased and they are in jail custody since 4.7.2021 and in the meantime charge sheet has already been submitted and the case has been committed to the Court of learned Sessions Judge, Angul.

6. Considering the nature and gravity of accusation coupled with facts narrated above and regard being had pre-trial detention of the petitioners and status of petitioner No.2 being a lady and release of co-accused standing on similar footing on bail, this Court considers the bail application of the petitioner favourably.

7. Hence, the prayer for bail of the petitioners stands allowed and the Petitioners be released on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it with further condition that the petitioners shall not leave the jurisdiction of the Court without prior permission.

8. Accordingly, the BLAPL stands disposed of.

**( G. Satapathy )**  
**Judge**