

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

**BLAPL No.9721 of 2019**

***Bhaskar Behera @ Pintu***

....

***Petitioner***

Mr. Asok Mohanty, Sr. Advocate

Mr. S.C.Mohapatra, Advocate

***State of Odisha***

***-versus-***

....

***Opposite Party***

Mr.P. Tripathy  
Addl. Standing Counsel

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**  
**19.7.2022.**

**Order No.**

10. 1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 7th October, 2017 in connection with Chhatrapur P.S. Case No.131/2017 corresponding to S.T. Case No.26/2018 pending in the court of learned Addl. Sessions Judge, Chhatrapur for the alleged commission of the offence under Sections 147/148/324/326/307/302/120-B/212/149 of I.P.C. read with Sections 25/27 of the Arms Act.

4. As per the allegations made in the F.I.R. lodged by one Debidutta Pradhan, several persons came to the house of the informant being armed with deadly weapons like sword, iron rods, lathi etc. and started brutally assaulting the brother of the informant namely, Bachan (deceased). The incident is said to have arisen out of a previous dispute relating to election between two groups of students of Science College, Chhatrapur. In course of such assault, not only the deceased but also the informant and his mother sustained bodily injuries when they tried to intervene.

5. It is submitted by Mr.Asok Mohanty, learned Senior counsel, that the Petitioner has been named by P.W.1 but only to the extent that he inflicted a blow on the right leg of P.W.1 by means of sword causing cut injury near his foot. It is further submitted that there is absolutely no evidence to show that he had assaulted the deceased in any manner whatsoever. It is further submitted that the mother of the informant, who is also an eye witness and an injured has simply referred to the Petitioner as encouraging the other assailants but the same is apparently an improvement from her earlier version. In any case, it is submitted that P.W.3 could not identify all the accused persons standing in the dock during her deposition.

6. Mr. S.K.Nayak, learned Addl. Government Advocate, has opposed the prayer for bail by submitting that all the assailants had come in a group and there are materials to show that the

Petitioner was part of that group. Therefore, notwithstanding the fact that no specific overt act has been attributed to him, he would be equally liable as all other members of the group.

7. Mr. G.K.Mohanty, learned counsel for the informant, has also opposed the prayer for bail by making similar submissions as learned State counsel.

8. It appears that some of the co-accused persons, some of whom have been named in the F.I.R. as well as by P.W.1, namely, Manas @ Manash Ranjan Behera, Prem Kumar Naik, Sanjay Gouda, Susila Kinnar @ Susil Kumar Nayak and Prasanta Kumar Swain have already been released on bail as per the orders passed by this Court in BLAPL Nos.8586/2021, 7320/2021, 8480/2021, 924/2018 and 892/2018.

9. Considering the submissions as above and taking into account the long period of detention of the Petitioner in custody coupled with the fact that some co-accused persons have already been released on bail, I am inclined to allow the prayer for bail.

10. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the following conditions:-

- (i) He shall appear before the court below on each date of posting of the case without fail and in case of even a single

default, necessary orders shall be passed by the court to take him to custody again,

(ii) He shall appear before the I.I.C. of Chhatrapur P.S once in a day till conclusion of trial,

(iii) He shall not tamper with the prosecution evidence,

(iv) He shall not influence or threaten any prosecution witness.

11. The BLAPL is disposed of.

12. Urgent certified copy of this order be granted on proper application.

*AKB*

*(Sashikanta Mishra)*  
*Judge*

