

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9408 of 2022

Rakesh Kumar Barik @ Papu ***Petitioner***

Mr. Amitav Tripathy, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. P.K.Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
12.10.2022

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.
3. The Petitioner is an accused in G.R. Case No.298 of 2022 pending in the file of learned S.D.J.M., Nayagarh, arising out of Nayagarh P.S Case No.65 of 2022, for offence under Sections 364-A/294/506/307/34 IPC and Sections 25/27 of the Arms Act and is in custody since 17.05.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Nayagarh by order dated 20.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.

6. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 17.05.2022 and admittedly charge sheet having been filed, further continuance of the Petitioner in custody is unwarranted.

7. It is also submitted that the injuries suffered are simple in nature though charge sheet has been filed under Section 307 IPC and other allied Sections.

8. Taking note of such submission and filing of the charge sheet and keeping in view that the Petitioner is the first offender, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

9. While releasing the Petitioner on bail, the learned Court in seisin over the matter is requested to verify whether injuries suffered are simple in nature. If such submission is found to be incorrect, this order shall stand cancelled without further reference to the Court.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS