

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8743 of 2021

Bhaira Gouda

.... Petitioner

Mr. S.K. Dwibedi, Advocate

-versus-

State of Odisha

.... Opp. Party

Mr. P.K. Maharaj,

Additional Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

03.01.2022

Order No.

- 4.
1. This matter is taken up through hybrid mode.
 2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
 3. The petitioner is in custody since 31.03.2021 in connection with Balliguda P.S. case No. 58 of 2021 corresponding to S.T. Case No. 70 of 2021 of the court of learned Additional Sessions Judge, Balliguda for the alleged commission of offence under Sections 302/201/34 of IP.C.
 4. The prosecution allegation is that the deceased had a civil dispute with the co-accused persons Aju Bagarty and Bipin Bagarty who are suspected to have killed him. The deceased was found buried in a jungle and basing on the confessional statement of the co-accused persons, the role of the petitioner came to light, though nothing has been mentioned against him in the FIR.
 5. Learned Additional Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that the

petitioner was very much involved in concealing the dead body and therefore, must be deemed to have a big role to play in the death of the deceased.

6. Having regard to the submissions made and the materials on record and the fact that the petitioner appears to have been implicated in the case only on the basis of the confessional statement of the co-accused persons as also considering the period of detention already undergone, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin of the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial court on each date of posting of the case without fail.

7. The BLAPL is accordingly disposed of.

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

(*Sashikanta Mishra*)
Judge