

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9029 of 2021

Himalaya Patra @ Guna

...

Petitioner

Mr. D.P. Dhal, Sr. Advocate, along with
Mr. B.S. Dasparida, Advocate

- Versus -

State of Odisha

...

Opposite Party

Mr. S.K. Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

03.01.2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel.
3. Perused the case record. The petitioner is in custody since 21.08.2021 in connection with Balasore Sadar P.S. Case No. 336 of 2016 corresponding to C.T. Case No. 2579 of 2016 of the Court of learned J.M.F.C.(R), Balasore for the alleged commission of offence under Sections 120(B)/302/34 of IPC.
4. The prosecution allegation is that in so far as the present petitioner is concerned, though he was not named in the FIR, yet he was booked in the case as a conspirator. It is alleged that he was the person who conspired to commit the murder of one Rajendra Nayak @ Bitu. It is submitted by learned Sr. Counsel that there is nothing on record to show the complicity of the petitioner in the alleged occurrence and that he has been entangled in the case solely on the basis of the statement of the co-accused- Kalia @ Sasikanta Das, who incidentally has already been released on bail

5. Learned Addl. Standing Counsel, on the other hand, has submitted that the material on record clearly shows the involvement of the petitioner at least as a conspirator.

6. Having regard to the submissions made, the materials on record and particularly the fact that except for the statement of the co-accused, no specific overt act has been attributed to the present petitioner, 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 over 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, failing which it shall be open to the court below to pass appropriate orders to take him to custody again.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

