

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10227 of 2022

Bishnu Majhi @ Bitu

....

Petitioner

Mr. J.N. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
08.12.2022

Order No.

02.

1. Heard learned counsel for the Petitioner and learned counsel for the State.

2. The Petitioner is an accused in connection with C.T. Case No.983 of 2022 pending on the file of the learned S.D.J.M., Bhawanipatna, arising out of Bhawanipatna Town P.S. Case No.335 of 2022 for commission of the offence under Sections 341/294/394/325/326/307/34 IPC.

3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Sessions Judge, Kalahandi, Bhawanipatna by order dated 12.10.2022, the present BLAPL has been filed.

4. It is submitted by the learned counsel that the Petitioner is in custody since 19.09.2022 and as charge sheet has been filed since 27.09.2022, his further continuance in custody is not warranted.

5. Learned counsel for the Petitioner relying on the statement of the injured Sitaram Behera submits that the overt act is attributed to the co-accused Bablu Rana who is not the Petitioner before this Court.
6. Learned counsel for the State opposes the prayer.
7. Considering the overt act as attributed to the co-accused and 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.
8. Learned counsel for the Petitioner submits that he is not in a position to apprise this Court about the criminal antecedent of the Petitioner.
9. While releasing the Petitioner on bail, learned Court below shall verify assertion regarding criminal antecedent of similar nature. If the Petitioner has such antecedent, this order shall stand recalled without further reference to the Bench.
10. The BLAPL thus stands disposed of.
11. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

PKS