

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9268 of 2021

Raj Kumar Majhi

....

Petitioner

Mr. Bijaya Kumar Behera I, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

27.04.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Dharambandha P.S. Case No.31 of 2021, corresponding to C.T. Case No.398 of 2021, pending in the file of learned S.D.J.M., Nuapada, for commission of alleged offences under Sections 147/148/307/302/149 of I.P.C.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. The prosecution case, in brief, is that the son-in-law of the deceased Bhikham Rout lodged a written report on dated 11.07.2021 alleging therein that on 10.06.2021 at about 6.30 P.M. he along with his father-in-law Bhikham Rout the deceased, Raju Yadav and Hema Majhi were returning from Bhainsadadar to Darlipada by his Motor Cycle. On the way at

village Pakhan Padar, Umesh Majhi and Nepal Majhi stopped their motor cycle and called the other persons, namely Ankumar Majhi, Bedram Majhi, Pitam Rout, Rajkumar Majhi, Jitendra Majhi and others over telephone, they all arrived at the spot and assaulted Bhikham Rout and Raju Yadav by means of lathi and sticks, as a result Raju Yadav sustained bleeding injuries on his head. On seeing this, due to fear the complainant and Huma Majhi fled away from the spot and returned to village Darlipada. Then they both along with Panbai Rout the wife of the deceased Bhikham Rout and others had been to the spot for searching but they could not find anybody at the spot. Then they proceeded towards village Bhaisadadar and on the way near Pakhanpadar Nala, they found Bhikham Rout with bleeding injuries. Thereafter the complainant and his mother-in-law shifted Bhikham Rout to Dharambandha Medical by an Eco Vehicle from where the injured shifted to Nuapada Medical. On arrival at Nuapada Medical, the M.O. after checking declared Bhikham Rout dead. Therefore, the present FIR has been filed by the complainant.

5. Learned counsel for the Petitioner submits that Petitioner is languishing in jail custody since the date of his arrest, i.e. 16.07.2021. It is further submitted that police after investigation submitted charge-sheet against the Petitioner. Relying upon the statement of the injured eye witness, namely, Raju Kumar Rout, who was present all through the incident, learned counsel for the Petitioner submits that the deceased was assaulted by Panchu, Jitu and Rajkumar. He further submits that the

deceased was also assaulted by Umesh Majhi and Nepal Majhi. Thereafter the victim lost his sense. Subsequently, he was shifted to the hospital, where the doctor declared him dead. It appears that the above named persons have assaulted the deceased directly as per the statement of the injured eye witness.

6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. He submits that a brutal murder has been committed by the accused persons, therefore, no leniency should be shown to the accused persons. He urges for rejection of the bail application of the Petitioner.

7. Considering the submissions made as well as the surrounding circumstances and keeping in view the nature of allegation and the statement of witness, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one solvent surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the terms and conditions as deem fit and proper by the learned trial court.

8. With the above direction, the BLAPL is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge