

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.10335 of 2022**

***Pande @ Dimba Singh***

....

***Petitioner***

Mr. A. K. Budhia, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. K.K. Gaya, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**

**13.12.2022**

**Order No.**

02.

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

2. The Petitioner is accused in connection with S.T. Case No.160 of 2022 pending on the file of learned Addl. Sessions Judge-cum-Special Judge (Vigilance), Baripada, arising out of Sarat P.S. Case No.17 of 2022, for commission of the offence alleged under Section 302/120(B) IPC.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge-cum-Special Judge (Vigilance), Baripada by order dated 22.08.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that the Petitioner is in custody since 26.02.2022 and as charge sheet is filed on 29.04.2022, keeping in view the nature of allegation, his further continuance in custody is not warranted.

5. Learned counsel for the State opposes the prayer for bail relying on the statement of one Jitu Singh recorded under Section 164 Cr.P.C. and also the statement of one Soma Singh.
6. Learned counsel for the State also relies on the C.D.R. and submits that the Petitioner had an active role in the murder of the deceased Landu Singh.
7. On a conspectus of the materials on record, this Court is persuaded to hold that there are no materials to connect the present Petitioner with the alleged crime. The materials prima facie indicate the complicity of the wife of the deceased, Raghu Purty and Birasingh Bari.
8. Taking into account the role ascribed to the Petitioner and his age, 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. Learned counsel for the Petitioner submits that he is not in a position to apprise this Court about the criminal antecedent of the Petitioner.
10. While releasing the Petitioner on bail, learned Court below shall verify assertion regarding **criminal antecedent of similar nature**. If the Petitioner has any such criminal antecedent, this order shall stand recalled without further reference to the Bench.
11. The BLAPL thus stands disposed of.
12. Urgent certified copy of this order be granted as per rules.

*(V. NARASINGH)*  
*Judge*

PKS