

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9318 of 2021

Mahadeba Bag and others

....

Petitioners

Mr.Jagabandhu Sahu
Advocate

-versus-

State of Odisha

....

Opposite Party

Miss S. Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

06.01.2022.

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard Mr. Jagabandhu Sahu, learned counsel for the Petitioners and Miss S. Mishra, learned Addl. Standing Counsel for the State.
3. The Petitioners are in custody since 22nd June, 2021 in connection with Loisingha P.S. Case No.175/2021 corresponding to G.R. Case No.166/2021 pending in the court of learned J.M.F.C., Loisingha for the alleged commission of the offence under Sections 147/148/294/323/354/ 307/302/ 506/149 of I.P.C.

4. It is alleged that the Petitioners being associated with several other persons committed murder of one Prasanna Bag. As it appears the incident took place in course of a quarrel arising out of a dispute relating to irrigation of agricultural fields. In course of such quarrel, the Petitioners along with several other persons assaulted the deceased and his family members, in course of which the Petitioners dealt blow on the head of the deceased by means of axe causing fatal injuries.

5. It is submitted by the learned counsel for the Petitioners that the matter had arisen out of sudden quarrel and there was never any intention on the part of the Petitioners to do away the life of the deceased.

6. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that there are adequate prima facie materials to show the complicity of the Petitioners in the occurrence.

7. Considering the submissions made above, the materials on record, the period of detention already undergone and the fact that the allegations prima facie show that the incident had occurred out of a sudden quarrel without any premeditation, I am inclined to allow the prayer for bail.

8. Let the Petitioners-Mahadeba Bag, Aswini Bag and Narasingha Bag be released on bail on such terms and

conditions as may be imposed by the court in seisin over the matter in the aforesaid case.

9. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

