

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9337 of 2021

Santanu Bag & Others

...

Petitioners

Mr. J. Sahu, Advocate

- Versus -

State of Odisha

...

Opposite Party

Mr. S.K. Mishra, Addl.

Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

06.01.2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned Addl. Standing Counsel for the State.
3. The petitioners are in custody since 22.06.2021 in connection with Loisingha P.S. Case No.175 of 2021 corresponding to G.R. Case No.166 of 2021 pending in the court of learned J.M.F.C., Loisingha for the alleged commission of offence under Sections 147/148/294/323/354/307/302/506/149 of IPC.
4. It is alleged that the petitioners being associated with several others committed murder of one Prasanna Bag. As it appears, the incident took place in the 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 a 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. Let the petitioners be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose.

8. The BLAPL is disposed of.

9. Issue urgent certified copy as per rules.

A.K. Rana

(Sashikanta Mishra)
Judge