

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9555 of 2021

Jhara @ Duryodhan Behera ... **Petitioner**

Mr. R.K. Pradhan, Adv.

- Versus -

State of Odisha ... **Opposite Party**

Mr. P.K. Maharaj,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

10.02.2022

Order No.

3.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 07.09.2021 in connection with Bikrampur P.S. Case No.226 of 2021 corresponding to G.R. Case No.1613 of 2021 pending in the Court of learned S.D.J.M., Talcher for the alleged commission of offence under Section 302 of IPC.
4. The prosecution allegation is that the present accused along with some other persons caused the death of the deceased.
5. Learned counsel for the petitioner submits that no one was named in the FIR and he was implicated in the case entirely on the so called confessional statement of the co-accused. He further submits that there is no other material to show his involvement in the occurrence.
6. Learned Addl. Standing Counsel has opposed the prayer for bail by submitting that in this case the last seen theory is applicable and in any case the confessional statement of the

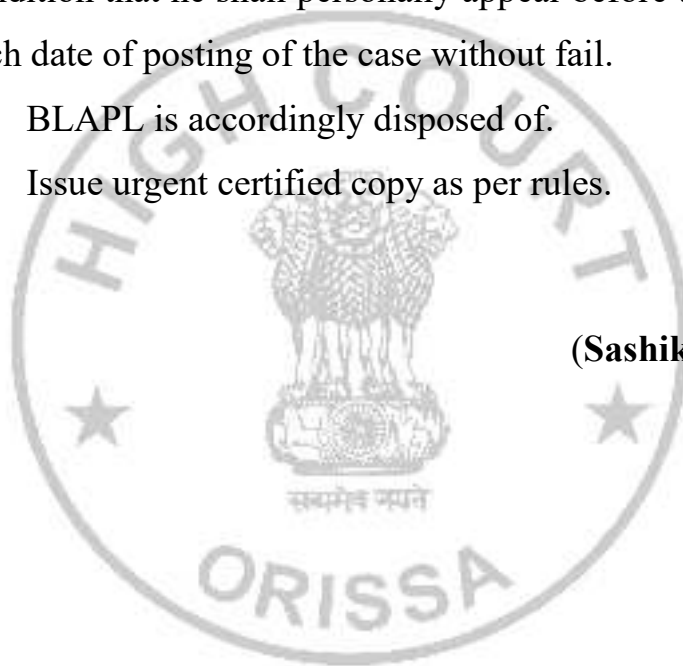
accused recorded under Section 27 of the Indian Evidence Act clearly suggests that the petitioner also had a role to play in the occurrence.

7. Having considered the rival submissions, the materials on record, the period of detention already undergone and the fact that except for the confessional statement of the co-accused, no specific overt act has been attributed to the petitioner, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case without fail.

8. BLAPL is accordingly disposed of.

9. Issue urgent certified copy as per rules.

A.K. Rana



(Sashikanta Mishra)
Judge