

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

**BLAPL No. 9699 of 2021**

**Biswa Lohara @ Biswa Majhi**

....

**Petitioner**

Mr. R.N. Biswal, Advocate

- Versus -

**State of Odisha**

.... **Opposite Party**

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

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**

**19.04.2022**

**Order No.**

**2.**

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 24.05.2021 in connection with Lanjigarh P.S. Case No.43 of 2021 corresponding to C.T. Case No.495 of 2021 pending in the Court of learned District and Sessions Judge, Kalahandi for the alleged commission of offence under Section 302 of IPC.
4. It is alleged that the petitioner committed the murder of one Nilamani Dandasena by means of an axe. There are no eyewitnesses to the occurrence. The petitioner has been implicated entirely on the basis of the so called confessional statement of one Kadraka Apparao under Section 27 of the Indian Evidence Act. That apart, some of the witnesses have stated about seeing the petitioner prior to the occurrence holding an axe and of sharpening it by rubbing it on a stone. There is no other acceptable material to show the petitioner's complicity in the occurrence.
5. Having regard to the above facts which do not disclose a prima facie case against 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.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

**(Sashikanta Mishra)**  
**Judge**

*A.K. Rana*

