

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9853 of 2021

Jayadev Singh

....

Petitioner

Mr. T.P. Mohapatra, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.K. Pattnaik, AGA

BLAPL No.9858 of 2021

Biswambar Singh

....

Petitioner

Mr. T.P. Mohapatra, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.K. Pattnaik, AGA

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER
22.11.2022**

Order No.

BLAPL No.9853 of 2021 & BLAPL No.9858 of 2021

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Since the bail applications of the petitioner Jayadev Singh in BLAPL No.9853 of 2021 and the petitioner Biswambar Singh in BLAPL No.9858 of 2021 arise out of one and same case and the learned counsel for the petitioner being the same in both the bail applications, the same are heard together and disposed of by this common order.

3. This is an application U/S. 439 of Cr.P.C. by the petitioners for grant of bail in connection with Baisinga P.S. Case No.210 of 2020 corresponding to G.R. Case No.539 of 2020, corresponding to S.T. Case No.21 of 2021 pending in the Court of learned 2nd Addl. Sessions Judge, Baripada for commission of offences punishable under Sections 120(B)/302/201/34 of I.P.C., on the allegation of committing murder of the deceased by assaulting and forcefully administering poison.

4. In the course of hearing both the bail applications, Mr. T.P. Mohapatra, learned counsel for the petitioners submits that the petitioners are innocent persons and they have not committed any crime. It is also submitted by him that even if the materials on record are taken to be true, there is absolutely no allegation against the petitioner-Jayadev Singh, and the petitioners having detained in custody for more than two years and trial having not commenced till today, the petitioners certainly deserve to be released on bail. It is accordingly prayed by him to grant bail to the petitioners.

5. On the contrary, learned counsel for the State, however, by placing the statement of one Mantu Singh submits that said Mantu Singh is the eye witness to the occurrence and he has described the incident vividly and, therefore, the petitioners does not deserve to be released on bail.

6. Considering the rival submissions made, nature and gravity of accusations raised against the petitioners as also the gravity of offence and regard being had to the allegations against the petitioners for assaulting the deceased as well as forcefully administering poison as also forbidding Mantu Singh to take the deceased to hospital immediately and keeping in view that recovery of wooden plank

pursuant to the disclosure statement of the petitioner-Jayadev Singh and taking into consideration the cause of death of the deceased as found from the post mortem report, this Court is not inclined to grant bail to the petitioners.

7. Hence, bail applications of the petitioner Jayadev Singh in BLAPL No.9853 of 2021 and petitioner Biswambar Singh in BLAPL No.9858 of 2021 are hereby rejected and both the bail applications are disposed of. Trial be expedited as requested by learned counsel for the petitioners.

8. Issue urgent certified copy of the order as per Rules.

Subhasmita

