

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9926 of 2021

Durjay Kumar Das ... **Petitioner**
Mr. D.P. Dhal, Sr. Adv.

- Versus -

State of Odisha ... **Opposite Party**
Mr. P.K. Maharaj,
Addl. Standing Counsel

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
10.02.2022

I.A. No. 192 of 2022

Order No.
2.

1. This matter is taken up through hybrid mode.
2. Learned counsel for the petitioner submits that he does not wish the press this application, which is therefore dismissed as not pressed.
3. I.A. is disposed of.

(Sashikanta Mishra)
Judge

BLAPL No. 9926 of 2021

Order No.
3.

1. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
2. The petitioner is in custody since 09.09.2021 in connection with Bamapada (Industrial Area) P.S. Case No.136 of 2021 corresponding to C.T. Case No.672 of 2021 pending in the Court of learned S.D.J.M., Balasore for the alleged commission of offence under Sections 302/120-B/216/34 of IPC and Section 25/27 of Arms Act.

3. The prosecution allegation is that the petitioner was involved in the alleged occurrence inasmuch as he had given the information about the deceased to the contract killers, who committed the crime and therefore he is considered to be a part of the conspiracy.
4. Learned counsel for the petitioner submits that no specific overt act has been attributed to the petitioner by any of the witnesses including the eyewitnesses, whose statements have been recorded by the IIC.
5. Learned Addl. Standing Counsel has opposed the prayer for bail by submitting that the petitioner was very much part of the group that had hatched the conspiracy to do away with the life of the deceased.
6. Considering the rival submissions, materials on record, period of detention already undergone and the fact that there is no specific allegation against the present petitioner, coupled with the fact that two of the co-accused persons, namely, Mana @ Manas Kumar Pradhan and Bhanjay, Kumar Behera @ Bhanju have been released on bail by this Court in BLAPL Nos. 8836 & 8837 of 2021, I find no justified reason to treat the petitioner differently than them.
7. The BLAPL is accordingly allowed.
8. 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.
9. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge