

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10004 of 2021

Fakira Rout

...

Petitioner

Mr. S. Dwibedi, Advocate

- Versus -

State of Odisha

...

Opposite Party

Mr. A. Pradhan, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

15.02.2022

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 16.07.2020 in connection with Belpada P.S. Case No.149 of 2020 corresponding to Sessions Case No. 17 of 2021, pending in the Court of learned Addl. Sessions Judge, Patnagarh for the alleged commission of offence under Sections 141/341/302/307/148/149 of IPC.
4. It is submitted that the incident arose out of a free fight in which two groups of the villagers attacked each other, wherein two persons lost their lives and several others were injured. It is further submitted that the only allegation against the present petitioner is that he assaulted one Hemanta Banchhor causing minor injuries on his hand and in so far as the deceased is concerned, the allegation relates to some other accused but not the petitioner. It is also submitted that co-accused persons

Balmika Rout and Bipini Rout, who stand on the same footing, have already been released on bail as per the order passed by this Court in BLAPL Nos. 9967 and 9998 of 2021 respectively.

5. Learned Addl. Standing Counsel has opposed the prayer for bail by submitting that the incident arose out of a pre-planned conspiracy with a clear intention to kill the deceased.

6. Having regard to the submissions as above, the materials on record, the period of detention already undergone and the fact nothing has been specific attributed to the present petitioner in so far as the allegation of murder is concerned, coupled with the fact that similarly placed co-accused persons have already been released on bail, 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 and in the event of a single default, appropriate orders shall be passed by the Court to take him to custody again.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge