

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11054 of 2022

Raj Kumar Gahir & Others

....

Petitioners

Mr. M.K. Mohapatro, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

08.12.2022

Order No.

01.

1. Heard learned counsel for the petitioners and learned counsel for the State.

2. The petitioners are accused in connection with C.T. Case No.320 of 2022, pending in the Court of the learned J.M.F.C., Jaipatna, arising out of Jaipatna P.S. Case No.332 of 2022, for alleged commission of offences under Sections 294/307/324/506/34 of IPC.

3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Dharamgarh, by order dated 01.11.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that the petitioners are in custody since 07.09.2022.

5. Learned counsel for the petitioners relying on the final form which is taken on record dated 31.10.2022, submits that further continuance of the petitioners in custody is unwarranted.
6. Learned counsel for the State opposes the prayer for bail.
7. On perusal of the materials on record, it is seen that overt act of assault was specifically attributed to the petitioner No.3. The manner in which the offence has been committed, this Court is **not inclined** to entertain the bail application of the petitioner No.3 at this stage.
8. The petitioner Nos.1 & 2 are directed to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.
9. Learned counsel for the petitioners does not have any instruction regarding the criminal antecedent of the petitioner Nos.1 & 2.
10. Before releasing the petitioner Nos.1 & 2, learned Court in seisin over the matter shall verify assertion regarding the criminal antecedents of similar nature. If it comes to the fore that the petitioners have such criminal antecedent, this order shall stand recalled.
11. Accordingly, the BLAPL stands disposed of.
12. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Ayesha