

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10309 of 2021

Biju Barik@ Ajju Barik

....

Petitioner

*Mr. Bidesh Ranjan Behera,
Advocate*

-Versus -

State of Odisha

....

Opposite Party

*Mr. P. Tripathy,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

02.08.2022

Order No.

4.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 10.06.2021 in connection with Balasore Sadar P.S. Case No. 205 of 2021 corresponding to C.T. Case No. 526 of 2021 pending in the court of learned J.M.F.C. (Rural), Balasore for the alleged commission of offence under Sections 498-A/302/34 of IPC.
4. The petitioner is the husband of the deceased who is said to have been killed by administering poison. As per the statement of the prosecution witnesses, the main allegation seems to be against the father-in-law of the deceased, who came in a drunken state to the house on the date of occurrence and abused the deceased in filthy language. Some witnesses have stated about the presence of the petitioner in his place of work rather than at home. There is no

other material to show that the petitioner was present at home during the occurrence. The father-in-law and mother-in-law of the deceased have been released on bail as per order passed by this Court in BLAPL No.10466 of 2021. In the absence of any evidence prima facie to show the presence of the petitioner in the house at the time of occurrence as also his complicity otherwise, 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.

5. The BLAPL is disposed of.

6. Urgent certified copy of this order be granted on proper application.

(Sashikanta Mishra)
Judge