

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10312 of 2021

Birat @ Subrat @ Subrata Patra	...	Petitioner
		Mr. M. Kanungo Sr. Adv along with Mr. S. Das, Advocate
	- Versus -	
State of Odisha	...	Opposite Party
		Mr. P.K. Maharaj, Addl. Standing Counsel

**CORAM:
JUSTICE SASHIKANTA MISHRA**

**ORDER
10.02.2022**

Order No.

2.

1. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
2. The petitioner is in custody since 06.09.2021 in connection with Dhenkanal Sadar P.S. Case No.225 of 2020 corresponding to C.T. Case No.03 of 2021 pending in the Court of learned District and Sessions Judge, Dhenkanal for the alleged commission of offence under Sections 341/294/323/325/427/363/307/506/34 of IPC.
3. The prosecution allegation is that on the date of occurrence, several persons including the present petitioner assaulted the deceased and caused several injuries on his head due to which he died.
4. It is submitted by Mr. M. Kanungo learned Sr. Counsel that in this case five accused persons faced trial and by judgment passed on 04.10.2021 by the learned Sessions Judge, Dhenkanal they were acquitted for want of any evidence. Referring to the judgment passed in the said case, Mr. Kanungo submits that the informant has not supported the prosecution case and on the contrary, he stated that the deceased died in a vehicular accident. That apart, except for

the stray statement that the petitioner had carried the deceased along with co-accused persons on his motorcycle after the occurrence to the hospital, no specific overt act has been attributed to him.

5. Learned Addl. Standing Counsel has opposed the prayer for bail by submitting that the petitioner's involvement in the occurrence can be seen from the statement of several witnesses and that he does not stand on the same footing as the other co-accused persons.

6. Having regard to the rival submissions, materials on record, the period of detention already undergone and the fact that the co-accused persons, Halua @ Brahmananda Sasmal, Lipun Kumar Sasmal and Akash Sahoo had already been released on bail, I find no justified reason to treat the petitioner differently than them.

7. The BLAPL is therefore 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 and even on a single default it would be open to the Court to pass necessary order to take him to custody again.

(Sashikanta Mishra)
Judge

A.K. Rana