

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10804 of 2021

Susanta Patra @ Susha @ Sushant Patra

Petitioner

Mr. A. Mishra
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.K.Mishra
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
12.5.2022.

Order No.

02.

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 22nd August, 2020 in connection with Pattamundai P.S. Case No.308/2021 corresponding to S.T. Case No.16/2021 (G.R. Case No.308/2021) pending in the court of learned Sessions Judge, Kendrapara for the alleged commission of the offence under Sections 450/302/380 of I.P.C.
4. It is alleged that the Petitioner being associated with several other persons broke into the house of the informant with the

intention of committing dacoity. While committing the crime they assaulted the wife of the deceased causing severe bodily injuries due to which she died. The culprits are alleged to have taken away gold and silver ornaments worth Rs.7,00,000/-. It is submitted by learned counsel for the Petitioner that save and except the confessional statement of one of the co-accused namely, Anil Kumar Jena, there is no other material to show the complicity of the Petitioner in the alleged occurrence.

5. Mr. P.R.Chhatoi, learned counsel appearing for the informant, has vehemently opposed the prayer for bail by submitting that a knife was seized on production by the Petitioner and further blood stained cash of Rs.1,25, 000/- was also recovered from his house.

6. Learned Addl. Standing Counsel for the State has also opposed the prayer for bail by submitting that the fact that the knife was seized and stolen cash was recovered from the house of the Petitioner shows that he was involved in the occurrence. It appears that except for the statement of the co-accused, Anil Kumar Jena, as also the so called statement recorded under Section 161 of the accused in Police custody, there is no other admissible evidence to show the complicity of the Petitioner in the occurrence. Though fact remains that some cash was recovered from the house of the Petitioner, yet in the absence of any admissible evidence to show his complicity in the occurrence, it cannot, prima facie, be held that the said cash had

been stolen from the house of the informant. It further appears that similarly placed co-accused persons have been granted bail by this Court as per orders passed in BLAPL Nos.331/2021, 24/2021 and 895/2021.

7. From the above discussion, it appears that the Petitioner also stands on the same footing as the said co-accused persons who have been granted bail. In such view of the matter, I am inclined to allow the prayer for bail.

8. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall personally appear before the court below on each date of posting of the case and in case of even a single default, the Court shall issue NBW against the Petitioner to take him to custody again and further, he shall not threaten, coerce or pressurize the informant or his family members in any manner whatsoever and in case of any violation, it shall be open to the informant/prosecution to seek cancellation of his bail.

9. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

