

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11006 of 2021

***Rajendra Behera @ Chaga and
another***

....

Petitioners

M/s. A.K. Pandey, Advocate

-versus-

State of Orissa

....

Opp. Party

M/s. D. Nayak, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

23.08.2022

Order No.

- 04.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioners for grant of bail in connection with Mahanga P.S. Case No.209 of 2021 corresponding to G.R. Case No.687 of 2021 pending in the Court of learned J.M.F.C., Salipur for commission of offences punishable under Sections 341/294/325/302/34 of I.P.C.
 3. In course of hearing, learned counsel for the Petitioners files a memo not to press the bail application Petitioner No.2, namely Ketaki Behera which is accepted and the bail application in respect of Petitioner No.2 stands dismissed and the present bail application is only confined to Petitioner No.1, Rajendra Behera @ Chaga.
 4. Learned counsel for the Petitioner submits that the main allegation of assault leading to death of the deceased is against co-accused who are not Petitioners in this case and learned counsel for the Petitioner by placing reliance on the statement of witness Ashok Behera and informant Gouri Sundar Behera has submitted that the allegation of battering stone on the chest of the deceased is against

Ketaki Behera and not against the Petitioner No.1 who is in custody since 25.09.2021 and therefore, his bail application may kindly be allowed.

5. In reply, learned counsel for the State vehemently opposes the bail application of the Petitioner and submits that without active assistance of the present Petitioner No.1, namely Rajendra Behera @ Chaga, co-accused persons could not have achieved to kill the deceased and he also submits to reject the bail application of the Petitioner No.1.

6. Perused the statement of the witnesses namely Ashok Behera and informant Gouri Sundar Behera so also the Post Mortem report of the deceased, it appears from the Post Mortem report that doctor has opined the external injury No.2 and its internal effects as well as the abdominal injuries are fatal in ordinary course of nature. Injury No.2 stated to be on the left side to the upper chest. Further, the statements of the above witnesses reveal assault on the deceased by accused Ketaki Behera by means of a stone on the chest.

7. Considering the submissions advanced at the Bar and taking into consideration the period of detention of the Petitioner and nature of injury found on the deceased and the weapon of assault, especially a stone and the Petitioner having no reported criminal antecedent, this Court feels it proper to allow bail to Petitioner No.1. Let the Petitioner Rajendra Behera @ Chaga be released on furnishing bail bonds of Rs.50,000/- with two solvent sureties for the like amount to the satisfaction of the Court in seisin over the matter on such terms and conditions as deem fit and proper by it.

8. Accordingly, the BLAPL stands disposed of.

(G. Satapathy)
Judge