

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11039 of 2021

Bhagaban Sahu

....

Petitioner

Mr. J. Sahoo, Advocate

-Versus -

State of Odisha

Opposite Party

....

***Mr. A. Pradhan,
Addl. Standing Counsel***

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

14.02.2022

Order No.
2.

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 21.06.2021 in connection with Polasara P.S. Case No. 209 of 2021 corresponding to G.R. Case No. 336 of 2021 pending in the court of learned J.M.F.C., Polasara for the alleged commission of offence under Sections 147/148/341/294/323/325/307/506/302/149 of IPC.
4. The prosecution allegation is that the petitioner being part of a group of about seventeen persons brutally assaulted another group out of whom two persons died and three persons were severely injured.
5. Learned counsel for the petitioner submits that the occurrence arose out of a sudden quarrel without any premeditation and that some members of the petitioner's group had also sustained injuries.

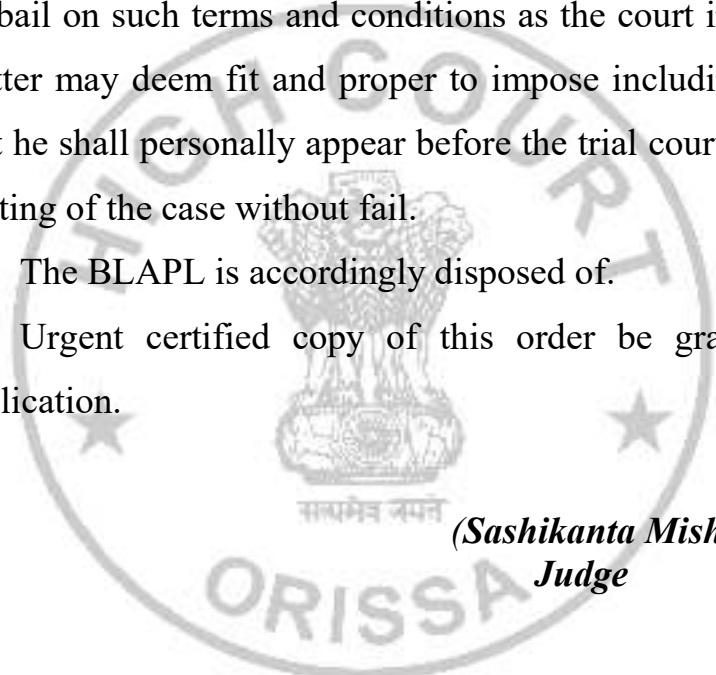
As such, it was a free fight. That apart, nothing specific has been attributed to the present petitioner.

6. Learned Additional Standing Counsel, on the other hand, has opposed the prayer for bail by submitting that being part of the group, the petitioner becomes equally liable for the act committed by any of them.

7. Considering the rival submissions, the materials on record, the period of detention already undergone and the fact that no specific overt act has been attributed to the present petitioner, 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.

8. The BLAPL is accordingly disposed of.

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

The seal of the Orissa High Court is a circular emblem. It features the Ashoka Lion Capital in the center, with the motto 'Satyameva Jayate' in Devanagari script below it. The word 'ORISSA' is written in large, bold, capital letters at the bottom. The words 'HIGH COURT' are written in a semi-circle at the top. Two five-pointed stars are positioned on either side of the central emblem.
(*Sashikanta Mishra*)
Judge

B.C. Tudu