

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11104 of 2021

Paka @ Basanta Kumar Behera **Petitioner**
Mr. Mahes Das, Advocate
- Versus -

State of Odisha **Opposite Party**
Mr. P. Tripathy, Addl. Standing Counsel

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
17.03.2022

Order No.
2.

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 29.06.2021 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.

(Sashikanta Mishra)
Judge

A.K. Rana

