

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11279 of 2021

Biranchi Biswal

....

Petitioner

Mr. B.K.Ragada
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.K.Mishra,
Addl. Standing Counsel

BLAPL No.11168 of 2021

Bhismajit Bhoi

....

Petitioner

Mr. B.K.Ragada
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.K.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

22.02.2022.

Order No.

02. 1. These matters are taken up through hybrid mode.

2. Heard Mr. B.K.Ragada, learned counsel for the Petitioners and Mr. S.K.Mishra, learned Addl. Standing Counsel for the State.

3.The Petitioner-Biranchi Biswal is in custody since 13th November, 2021 and Petitioner-Bhismajit Bhoi is custody since 21st September, 2021 in connection with Katarbaga P.S. Case No.165/2021 corresponding to G.R.. Case No.3507/2021 pending in the court of learned S.D.J.M., Sambalpur for the alleged commission of the offence under Sections 147/148/307/302/149 of I.P.C.

4. The prosecution allegation is that on the date of occurrence the deceased Prakash Pradhan was brutally assaulted by a group of persons being armed with sharp cutting weapons which caused fatal injuries on his person.

5. It is submitted by learned counsel for the Petitioner that in so far as the Petitioner-accused Biranchi Biswal is concerned, the only allegation against him is of harbouring of one of the offenders in his house while the allegation against Bhismajit Bhoi is that he had participated in the assault along with other accused persons. It is further submitted that the name of Bhismajit Bhoi does not find place in the F.I.R. but subsequently he was added as an accused during investigation.

6. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that the

Petitioner- Biranchi Biswal gave shelter to one of the principal accused in his house. In so far as the Bhismajit Bhoi is concerned, even though his name does not find place in the F.I.R. yet there are adequate materials to show that he was part of the group that assaulted the deceased causing his death.

7. Considering the rival submissions, the materials on record in so far as it relates to the Petitioners, I am inclined to allow the prayer for bail of Petitioner -Biranchi Biswal.

8. Let the Petitioner-Biranchi Biswal 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 appear before the trial court on each date of posting of the case without fail.

9. The bail application in respect of Bhismajit Bhoi stands rejected. However, liberty is granted to him to renew his prayer after examination of some material witnesses in the case.

10. The BLAPLs are disposed of.

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

AKB

(Sashikanta Mishra)
Judge

