

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11419 of 2021

Tuna Pradhan

.... ***Petitioner***
Mr. J. Sahoo, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. S.N. Das, A.S.C.

BLAPL No.11430 of 2021

Kumara Bisoyi

.... ***Petitioner***
Mr. J. Sahoo, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. S.N. Das, A.S.C.

**CORAM:
JUSTICE G. SATAPATHY**

ORDER
13.09.2022

Order No.

BLAPL No.11419 of 2021 & BLAPL No.11430 of 2021

- 07.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Since the bail applications of the petitioner Tuna Pradhan in BLAPL No.11419 of 2021 and the petitioner Kumara Bisoyi in BLAPL No.11430 of 2021 arise out of one and same case and the learned counsel for the petitioners and informant being the same in both the bail applications, the same are taken up together and disposed of by this common order.
 3. This is an application U/S. 439 of Cr.P.C. by the petitioners for grant of bail in connection with Kabisuryanagar P.S. Case No.338 of

2021 corresponding to G.R. Case No. 328 of 2021 pending in the Court of learned J.M.F.C., Kabisuryanagar for commission of offences punishable under Section 302/323/506/120-B/34 of I.P.C. on the allegation of committing murder of the deceased along with co accused persons in furtherance of their common intention.

4. In the course of hearing both the bail applications, learned counsel for the petitioners by filing the copy of FIRs in some cases submits that the present petitioner has not been named in any of the criminal case as referred to by the learned Court while rejecting the bail application of the petitioners and there is no iota of evidence available against the petitioners for commission of any crime in this case. It is further submitted by him that no role has been assigned against the present petitioners in committing the crime, although the name of the petitioner Kumara Bisoyi finds place in the FIR. It is also submitted by him that the name of the petitioner Tuna Pradhan does not find place in the FIR and statement of the witnesses in this case hardly disclose any participation of the petitioners for the murder of the deceased. Learned counsel for the petitioners by placing the statement of one of the eye witness namely, Jogi Bhuyan submits that the petitioners have not been attributed with any overt act for the commission of murder of the deceased and the petitioners having not committed any offence are also in custody since more than nine months. On these submissions, learned counsel for the petitioners forcibly submits to allow the petitioners to go on bail.

5. On contrary, learned counsel for the State, however, submits that FIR is not encyclopedia of facts contained therein and although the name of the petitioner Tuna Pradhan does not find place in the FIR but the statement of the eye witnesses would go to indicate prima facie case against both the petitioners for commission of murder of the deceased. Accordingly, learned counsel for the State prays to

reject the bail application of both the petitioners.

6. Mr. Ranjan Kumar Nayak, learned counsel appearing for the informant in both the cases by producing copy of the statements of witnesses namely, Jogi Bhuyan and Sanjay Sahoo recorded under Section 164 of Cr.P.C., submits that the petitioners are perpetrators of the crime and they along with others having committed murder of the deceased, should not be enlarged on bail. Accordingly, he prays to reject the bail application of the petitioners.

7. Considering the nature and gravity of allegations raised against the petitioners and taking into consideration the allegation levelled against the petitioners by the witnesses Jogi Bhuyan and Sanjay Sahoo in their statements under Section 164 of Cr.P.C. and other materials placed on record indicating prima facie allegations against the petitioners for commission of murder of the deceased and taking into consideration the nature and number of injuries as found on the person of the deceased as per the Post Mortem report and keeping in view the circumstance of the occurrence and the kinds of weapons i.e. sharp cutting weapons, used in commission of murder of the deceased and the role played by the petitioners as alleged in this case, this Court is not inclined to grant bail to the petitioners. Hence, the prayer for bail of the petitioners stand rejected.

8. Accordingly the prayer for bail of the petitioner Tuna Pradhan in BLAPL No.11419 of 2021 & the petitioner Kumara Bisoyi in BLAPL No.11430 of 2021 are hereby rejected and both the bail applications are disposed of.

9. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge