

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11462 of 2021

Bibhuti Jena

....

Petitioner

Mr. D. Sarangi,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.K.Mishra
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

15.3.2022.

Order No.

03

1. This matter is taken up through hybrid mode.
2. Heard Mr. D. Sarangi, learned counsel for the Petitioner and Mr. S.K.Mishra, learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 7th October, 2020 in connection with Kabisuryanagar P.S. Case No.262/2020 corresponding to G.R. Case No.257/2020 pending in the court of learned J.M.F.,C., Kabisuryanagar, for the alleged commission of the offence under Sections 498-A/364/302/506/34 of the I.P.C.

4. It is submitted that there is no direct or indirect evidence to link the Petitioner with the crime and only because the Petitioner was staying in Puri along with his daughter, the case has been foisted against him.

5. Learned Addl. Standing Counsel, on other hand, has opposed the prayer by submitting that the Petitioner confessed of committed the crime and there is clear evidence that the deceased had died of throttling. He further submitted that the Petitioner was in relation with another lady at Puri who wanted him to discard his family members, the Petitioner, therefore, had a motive to kill his own daughter.

6. Considering the submissions made, the materials on record and the fact that except for some evidence showing that the Petitioner was staying at Puri with his daughter and there is no other legally acceptable evidence to show that the Petitioner had committed the crime, I am inclined to allow the prayer for bail.

7. Let the Petitioner be released on bail in the aforesaid case on such terms and conditions as may be imposed by the Court in seisin over the matter including the condition that he shall appear before the trial court on each date of posting of the case without fail.

8. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

