



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1112 of 2025

Dasaratha Naik & another

....

Petitioners

Mr. B. Mahapatra, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mrs. U.R. Padhi, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

26.03.2025

Order No.

02.

1. Heard Mr. Panda, learned counsel for the petitioners and Mrs. Padhi, learned ASC for the State.

2. Instant petition under Section 483 BNSS is filed seeking release of the petitioners on bail in connection with C.T. No.1061 of 2024 pending in the file of learned S.D.J.M., Rairangpur corresponding to Bisoi P.S. Case No.168 of 2024 on the grounds stated therein.

3. In course of hearing, Mr. Mahapatra, learned counsel for the petitioners refers to the statements of the witnesses recorded under Section 180 BNS to claim that there is no evidence to directly connect the petitioners to the alleged incident. It is submitted that no one witnessed the alleged assault and the body of the deceased was found near the house of the petitioners. The submission is that there has been no recovery and seizure of any weapon of offence and that apart, the deceased had a head injury. The submission is that the petitioners involvement is alleged on account of statement



of the witness, namely, Faguram Majhi recorded under Section 180 BNSS. Mrs. Padhi, learned ASC for the State refers to the Inquest Report, a copy of which is produced along with the case diary to claim that the deceased was assaulted and he had a massive hematoma on the scalp region and such injury is possibly received by means of wooden sticks. From the statement of the witness named above, it is made to understand that the deceased was suspected to be involved in an attempt of theft of wearing apparels and other items from the house of the informant and was assaulted by the latter. The Court finds that on account of assault to the head, the deceased has died. If at all, the claim of the named witness is to be believed, it was an assault not on account of any pre-plan or prior meditation. The deceased as it appears from the materials on record was assaulted and his body was found near to the house of the petitioners. Having regard to the submissions of learned counsels for the respective parties and the statements of the witnesses recorded during investigation and the filing of the chargesheet in the month of December, 2024 and the circumstances believed to have led to the death of the deceased alleging involvement of the petitioners, the Court is inclined to allow them to go on bail with conditions.

4. Accordingly, it is ordered.

5. In the result, the petition under Section 483 BNSS stands allowed. Consequently, the petitioners are directed to be released on bail in connection with C.T. No.1061 of 2024 arising out of Bisoi P.S. Case No.168 of 2024 subject to them furnishing bail bonds of Rs.50,000/- (rupees fifty thousand) each with one solvent surety for the like amount each to the satisfaction of the learned S.D.J.M., Rairangpur, who shall impose such other suitable conditions as deemed just and proper in the facts and circumstances of the case.



6. The BLAPL is disposed of.
7. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

Balaram

Signature Not Verified

Digitally Signed
Signed by: BALARAM BEHERA
Designation: Personal Assistant
Reason: Authentication
Location: OHC, CUTTACK
Date: 27-Mar-2025 11:46:33

