



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11089 of 2024

Rushia Patra

.....

Petitioner

Mr. Gopal Krishna Nayak, Advocate

Vs.

State of Orissa

.....

Opp. Party

Ms. J. Sahoo, A.S.C.

CORAM:

JUSTICE SAVITRI RATHO

ORDER

24.12.2024

(Through hybrid mode)

Order No.

02.

1. This application under Section 439 of Cr.P.C. has been filed in connection with Jagannath Prasad P.S. Case No.636 of 2023 corresponding to G.R. Case No.854 of 2023, pending in the Court of the learned J.M.F.C., Jagannath Prasad against the petitioner and other accused persons under Sections 294, 323, 379, 307, 506, 34 of IPC.

2. This bail application has been listed before me as BLAPL No. 12565 of 2023 filed by the co-accused persons had been allowed by me on 20.12.2023.

3. The prayer for bail of the petitioner has been rejected on 25.10.2024 by the learned Addl. Sessions Judge, Bhanjanagar.



4. Perused the report dated 16.12.2024 of the learned J.M.F.C., Jagannathprasad, where she has stated that

“at the time of submission of charge sheet, the accused persons namely Rusia Patra, Anil Patra and Sushanta Patra were found absconded and the accused persons namely Ahalya Patra and Sai Patra were on notice under Section 41(A) of the Cr.P.C. After submission of charge sheet, cognizance for the offence under Section 147,148,341,294,323,324,325,379,307, 506,149 of IPC has been taken on 06.12.2023. Accused persons namely 1. Ramesh Patra, 2. Santosh Patra and 3. Kantari Patra have been released on bail by the High Court in BLAPL No.12565 of 2023.”

5. Mr. G. K. Nayak, learned counsel for the petitioner submits that the petitioner is in custody since 20.10.2024. As other co-accused persons have been released on bail, considering the nature of allegations against him, his prayer for bail may be allowed.

6. Ms. J. Sahoo, learned Additional Standing Counsel opposes the prayer for bail stating that the petitioner has avoided arrest during investigation and after almost one year has been arrested on 20.10.2024 on execution of NBW which had been issued against him as he did not appear in the Court. Cognizance



of the offences had been taken on 06.12.2023. She further submits that co-accused Anil Patra and Susanta Patra are yet to be arrested.

7. Considering the fact that the petitioner had evaded arrest for almost one year, I am not inclined to release him on bail. The BLAPL is dismissed.

8. Liberty is however granted to the petitioner to move the learned Court below for bail afresh, after surrender/apprehension of the co-accused Anil Patra and Susanta Patra or if there is undue delay in commencement of the trial.

(Savitri Ratho)
Judge

Subhalaxmi

Signature Not Verified

Digitally Signed
Signed by: SUBHALAXMI PRIYADARSHANI
SAHOO
Reason: Authentication
Location: Orissa High Court, Cuttack
Date: 24-Dec-2024 19:29:04

