
(2024) 02 OHC CK 0060
In the Orissa High Court
Case No : Bail Application No. 650 Of 2024
Jugal Behera Vs State Of Odisha ?

Date of Decision : 08-02-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 307, 323, 324, 341, 506

Citation : (2024) 02 OHC CK 0060

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : Aswini Kumar Mishra, D.K. Mishra

Judgement

Savitri Ratho, J

1. This application under Section 439 of Cr.P.C. has been filed in connection with Bolagarh P.S. Case No. 309 of 2023 corresponding to G.R. Case No. 1309 of 2023 pending in the file of the learned J.M.F.C. (Cog), Khurda under Sections 341, 323, 324, 307, 506 and 34 of IPC.

2. Mr. Aswini Kumar Mishra, learned counsel for the petitioner submits that the petitioner is in custody since 05.12.2023 and in the meanwhile investigation has been completed and chargesheet dated 05.02.2024 has been submitted. He also submits that one Subasa Behera, Purna Chandra Behera, Maheswar Behera, Sons of Gadadhar Behera, Prasasnta Behera, S/o-Purna Chandra Behera have been directed to be released on bail pursuant to their surrender in ABLAPL No. 14737 of 2023 vide order dated 29.01.2024 as the case diary obtained by the learned State Counsel revealed that the injured has sustained simple injury.

3. Perusal of the rejection order dated 19.01.2024 reveals that the learned court below has observed that the injured Pravas Behera has sustained grievous injury on his head.

4. In view of the above discrepancy regarding nature of injury, Mr. D.K. Mishra, learned Additional Government Advocate is directed to obtain the case diary and the injury report of injured Pravas Behera.

5. List this matter on 19.02.2024.

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