

(2024) 04 OHC CK 0099
In the Orissa High Court
Case No : Bail Application No.1384 Of 2024

Rabinarayan Behera

APPELLANT

Vs

State Of Orissa

RESPONDENT

Date of Decision : 15-04-2024

Acts Referred:

Indian Penal Code, 1860 — Section 302, 304B

Citation : (2024) 04 OHC CK 0099

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : Soubhagya Kumar Dash, S. S. Mohapatra

Final Decision : Dismissed

Judgement

Savitri Ratho, J

1. This application has been listed before me as BLAPL No. 12905 of 2023 filed by the co-accused Narasingh Behera and Kamini Behera has been dismissed by me on 16.11.2023 granting liberty to those petitioners to approach the learned Court below for bail afresh after completion of the investigation.

2. Mr. S.K. Dash, learned counsel for the petitioner submits that in the meanwhile charge sheet has been submitted and the co-accused persons Narasingh Behera and Kamini Behera have been released on bail by the learned Court below. He further submits that the petitioner is in custody since 16.09.2023 and in the meanwhile investigation is over and as death of the deceased took place after 8 years of their marriage, Section 304(B) of the IPC will not be attracted. He further submits that a case under Section 302 of the IPC is not made out against the petitioner as there is not direct material implicating the petitioner.

3. Mr. S. S. Mohapatra, learned Additional Standing Counsel is directed to obtain the case diary.

4. List this case on 01.05.2024. The copy of the bail order passed in respect of the co-accused persons shall be produced by Mr. S. K. Dash, learned counsel for the petitioner on the next date.

5. Registry is also directed to call for the copy of the bail order passed in respect of co-accused Narasingh Behera and Kamini Behera.

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