



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.328 of 2026

Kisan Behera

... ***Petitioner***

Mr. D. Mund, Advocate

-versus-

State of Odisha

... ***Opposite Party***

Mr. M.R. Patra, Addl. PP

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
25.02.2026

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).

2. This is a bail application U/S.483 of the BNSS by the petitioner for grant of bail in connection with Athamallik PS Case No.258 of 2024 arising out of CT(S) Case No.114 of 2024 pending in the Court of learned Addl. Sessions Judge, Athamallik, for commission of offences punishable U/Ss. 103(I)/115(2)/126(2)/3(5) of BNS, on the allegation of assaulting the deceased to death, along with co-accused persons.

3. In the course of hearing Mr. Dhananjay Mund, learned counsel for the petitioner submits that although the 15 witnesses have already been examined, but no reasonable evidence has surfaced against the petitioner, however, co-accused standing on similar footing have already been granted bail and therefore, the present petitioner may kindly be granted with bail.

3.1 On the other hand, Mr. M.R. Patra, learned Addl. PP by referring to the charge-sheet submits that the present petitioner is the principal accused who had stabbed the deceased and the weapon of offence has been recovered



from him and therefore, the present petitioner stands on different footing and thereby, he cannot be equated for the purpose of granting bail on the ground of parity. Accordingly, Mr. Patra prays to reject the bail application of the petitioner.

4. After having considered the rival submissions upon perusal of record, there appears allegation against the petitioner for committing murder of the deceased by stabbing him to death and the weapon of offence i.e. knife has been allegedly recovered from the petitioner and thereby, the present petitioner cannot be considered to be standing on similar footing with co-accused released on bail. Moreover, parity cannot be the sole ground to grant bail to an accused involved in commission of such a heinous offence as held by Apex Court in ***Sagar Vs. State of U.P. & Another; (2025) SCC OnLine SC 2584***. In view of the above facts and taking into consideration the nature and gravity of the offences as alleged against the petitioner vis-à-vis the accusations sought to be brought against him and regard being had to the materials placed on record and taking into account examination of witnesses Bapun Behera & Suraj Dehury being awaited, this Court is not inclined to grant bail to the petitioner.

5. Hence, the bail application of the petitioner stands rejected. Accordingly, the BLAPL stands disposed of. A soft copy of this order be immediately communicated to the learned trial Court.

(G. Satapathy)
Judge