



IN THE HIGH COURT OF ORISSA AT CUTTACK

Upendra Nag

(In BLAPL No.1502 of 2024)

Biki Banchhor @ Dhela @ Vicky Banchor

(In BLAPL No.2423 of 2024) ...

Petitioners

*Mr. D. Panda, Advocate
(for all the Petitioners)*

-versus-

State of Odisha

... Opposite Party

Mr. R.B. Mishra, Addl. PP

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER(ORAL)
21.07.2025**

Order No.

15.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Since these two bail applications arise out of one and same case record, the same are taken up together for disposal.
3. This is an application U/S.483 BNSS by the petitioners for grant of bail in connection with Town PS Case No.116 of 2018 arising out of GR No.956 of 2018, pending in the Court of learned Addl. Sessions Judge Sambalpur, for commission of offences punishable U/Ss. 147/148/452/302/436/149 of IPC & Sec.25/27 of Arms Act, on the allegation of rioting along with co-accused persons being armed with deadly weapons and trespassing into the house of the informant and assaulting the deceased Sankar Mukhi to death and



setting the dwelling house on fire in prosecution of their common object.

4. In the course of hearing, Mr. Devashis Panda, learned counsel for the petitioners submits that although the petitioners have been named in the FIR, but the name of the petitioners has been stated as assailants in the inquest report which is an important omission on the part of the prosecution and the deceased having sustained sixteen injuries as per the post-mortem report, out of which most of the injuries are skin deep and the fatal injuries caused to the deceased were never attributed to the present petitioners. It is further submitted by Mr. Panda that there is case and counter case in which two persons had lost their life from both the side and most of the co-accused persons are on bail, but the witnesses of the prosecution have stated parrot like and thereby, their version cannot be taken as gospel truth to believe the prosecution case and the petitioners having detained in custody for a substantial period may kindly be granted bail.

4.1. On the other hand Mr. R.B. Mishra, learned Addl. Public Prosecutor, however, strongly opposes the bail application of the petitioners by relying upon the statement of the witnesses, more particularly the witness Rajeswari Ganda and Cheru Kalet.

5. After having considered the rival submissions upon perusal of record, there appears allegation against the petitioners and others for committing murder of the deceased Sankar Mukhi. It is however, emphasized by



the learned counsel for the petitioners that non-mention of the names of the petitioners in the inquest report is fatal to the prosecution, but this Court believes that the inquest report is not a substantive piece of evidence nor any column has been prescribed therein for recording the names of the assailant and it is only meant for recording apparent cause of death. Even if, there is no mention about the names of the assailant in the inquest report, it cannot be regarded as a ground to grant bail, more particularly when the eye witnesses have stated the names of such person as found allegedly in this case.

6. In view of the above facts and after having considered the rival submissions and on going through the materials placed on record and taking into account the brutality exhibited in executing the crime and also taking into account the other circumstance on record in entirety, this Court without expressing any opinion on merit considers it improper and undesirable to grant bail to the petitioners, especially when there is direct allegation against the petitioners for inflicting fatal injuries to the deceased.

Hence, these two bail applications of the petitioners namely Upendra Nag in BLAPL No.1502 of 2024 and Biki Banchhor @ Dhela @ Vicky Banchhor in BLAPL No.2423 of 2024 stand rejected. The petitioners however, can approach appropriate forum to



consolidate the trial the case and counter case, if there exists case and counter case.

7. Accordingly, the BLAPLs stand disposed of.
6. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Jayakrushna

Signature Not Verified

Digitally Signed
Signed by: JAYAKRUSHNA DASH
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 22-Jul-2025 15:58:12

