



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.3291 of 2026

Gajanan Kalihari

...

Petitioner

Mr. S. Padhee, Advocate

-versus-

State of Orissa

...

Opposite Party

Mr. M.R. Patra, Addl. PP

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL)23.06.2026

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is a bail application U/S.483 of BNSS by the petitioner for grant of bail in connection with Bhatli PS Case No.143 of 2025 corresponding to CT Case No.153/77 of 2025 pending in the file of learned Addl. District & Sessions Judge, Bargarh for commission of offences punishable U/Ss.103/3(5) of BNS on the main allegation of committing murder of the deceased Bhanu Chowhan by attacking him with lathi and razor, along with co-accused persons.
3. In the course of hearing Mr. Sachidananda Padhee, learned counsel for the petitioner appearing virtually submits that the petitioner without admitting the allegation against him alternatively states that the deceased was the son-in-law of the present petitioner, but he had come to the house of the petitioner with a view to take away his wife, but when his wife refused to accompany the deceased, the latter attacked the daughter of the petitioner by means of a razor and when the daughter of the petitioner scream for help, the petitioner and his wife attacked the deceased to save their daughter and the petitioner having no *mens rea* to commit



murder of the deceased, at best a case U/S.105 of BNS would be attracted against the petitioner, however, the petitioner is in custody since 25.06.2025 and, therefore, the petitioner may kindly be granted bail.

3.1. In opposing such prayer of the learned counsel for the petitioner, Mr. M.R. Patra, learned Addl. PP submits that not only the petitioner has exceeded the right of private defence, but also he has inflicted injuries on the person of the deceased and the deceased having sustained 16 injuries, the present case cannot be considered to be one U/S.105 of BNS and therefore, the petitioner being prima facie responsible for the death of the deceased, he may not be granted bail.

4. After having considered the rival submission upon perusal of record, there appears a brawl between the deceased and his wife and there are materials to indicate that the deceased had attacked his wife who is daughter of the present petitioner by means of razor causing bleeding injury on her neck. In the aforesaid facts and situation and taking into consideration the nature and gravity of the offences as alleged against the petitioner vis-à-vis the accusation sought to be brought against him and regard being had to the materials placed on record together with the circumstances of the transaction taken place in this case and keeping in view the inherent right of the accused to be presumed innocent until proven guilty at the trial and last but not the least, considering grant of bail to co-accused Sunita Chouhan by this Court in BLAPL No.12075 of 2025



and the deceased having been allegedly the aggressor in this case, this Court without expressing any view on merit of the case considers it proper to grant bail to the petitioner.

5. Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-Five Thousand) only with one solvent surety for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it.

6. Accordingly, the BLAPL stands disposed of. Issue urgent certified copy of the order as per Rules. A soft copy of this order be immediately communicated to the concerned Court, who shall afterwards communicate the same to the concerned Jail through e-mail for reference.

(G. Satapathy)
Judge

Jayakrushna

Signature Not Verified

Digitally Signed
Signed by: JAYAKRUSHNA DASH
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 23-Jun-2026 19:58:27

