



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3095 of 2026

Biswanath Swain @

Babuna & Anr.

....

Petitioner(s)

Mr. Anugraha Narayan Samantray, Adv.

-versus-

State of Odisha

....

Opposite Party(s)

Mrs. Sarita Moharana, ASC

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

Order No.

01.

ORDER

04.05.2026

F.I.R. No.	Dated	Police Station	Case No. and Courts' Name	Sections
165	02.05. 2025	Kujang	C.T. Case No.86 of 2025, Addl. Sessions Judge, Kujang	103(1)/61(2)/ 3(5) of the BNS

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the Parties.
3. The Petitioners, being in custody in Kujang P.S. Case No.165 dated 02.05.2025, corresponding to C.T. Case No.86 of 2025, pending in the Court of learned Addl. Sessions Judge, Kujang, registered for the alleged commission of



offences under Sections 103(1)/61(2)/3(5) of the BNS, has filed this petition for his release on bail.

4. The case of the prosecution, in short, is that the informant lodged a written report before the IIC of Kujang Police Station alleging therein that on the day of the occurrence, her husband returned home and she also returned at about 10:00 p.m. after selling vegetables. On her way home, she heard the accused persons abusing loudly in obscene language. After reaching home, she found her husband talking loudly over the phone. When she asked whom he was speaking with, he replied that the accused persons were calling him to the village stadium. After receiving repeated calls, her husband went to the spot at about 11:30 p.m. She, along with her sons, followed and saw the accused persons talking to her husband loudly. She then brought her husband back home. At about 3:00 a.m., co-accused Prasant Jena came to her house, called her and her son, and informed them that her husband was lying near the chaura. They rushed to the spot and found him lying unconscious with bleeding injuries on his chest, abdomen, neck, hands, and other parts of the body. Blood was oozing from his injuries. The informant suspected that her husband had been attacked with a sharp-edged weapon with the intention to kill him, and due to previous enmity, the



accused persons and their associates might have murdered him.

5. Learned counsel for the Petitioners submits that the Petitioners have been in judicial custody since 06.05.2025. It is further submitted that neither the informant nor her son disclosed the names of the present Petitioners in their statements recorded under Section 161 of the Cr.P.C. There is no eye-witness to the occurrence and the entire case is based on circumstantial evidence. It is also submitted that the trial has already commenced and seven witnesses have been examined, but all of them have turned hostile and have not supported the prosecution case against the Petitioners.

6. Learned counsel for the State opposes the prayer for bail and submits that there are sufficient materials available on record against the Petitioners and the alleged offence is grave and serious in nature.

7. Considering the submissions made by the learned counsel for the parties, the nature of allegations, the period of detention of the Petitioners, the fact that no eye-witness is available and that the material witnesses examined so far have not supported the prosecution case, this Court is of the view that the Petitioners have made out a case for grant of bail.



8. Accordingly, it is directed that the Petitioners be released on bail on such terms and conditions as deemed just and proper by the learned Court below.
9. The BLAPL is, accordingly, disposed of.
10. Issue urgent certified copy of this Order as per Rules.

(Dr. Sanjeeb K Panigrahi)
Judge