



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.4601 of 2026

Subrat Kumar Behera

....

Petitioner

Mr. D.P. Dhal, Sr. Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.K. Brahma, ASC

Mr. K. Behera, Advocate for Informant

CORAM:

MR. JUSTICE R.K. PATTANAIK

**Order
No.**

**ORDER
13.07.2026**

02.

1. Heard learned counsel for the petitioner and State.
2. Instant petition has been filed under Section 482 BNSS by the petitioner seeking pre-arrest bail in connection with Berhampur P.S. Case No.41 of 2026 corresponding to C.T. Case No.188 of 2026 pending in the file of learned S.D.J.M., Nilgiri on the grounds stated.
3. Perused the FIR as at Annexure-1 and allegations contained therein in connection with OR Case No.19K of 2025-26 of Kuldiha Wildlife Range. It is submitted to the Court by Mr. Dhal, learned Senior Advocate for the petitioner that the present accused and other officials had been to the sanctuary duty to conduct raid and while returning from there, the informant and another, namely, Khirod Prasad Das intercepted their vehicle and thereafter attacked them. The details of the incident dated 25th March, 2026 have been narrated in the



complaint i.e. Annexure-3. The further submission is that an attempt was made to settle the dispute between the parties. As the informant herein and the other person named in Annexure-3 restrained the staff of the forest department, it is submitted that there was exchange of assault and as a result, the informant received the injuries. Mr. Dhal, learned Senior Advocate would submit that the petitioner is serving as the Assistant Conservator of Forest, In-Charge, Kuldiha Wildlife Range, Balasore Wildlife Division, Balasore. The reason behind the animosity between the petitioner and the informant is also disclosed by Mr. Dhal, learned Senior Advocate. It is informed to the Court that the petitioner has in the meantime been transferred to Baripada Wildlife Division. With such submission regarding the complaint i.e. Annexure-2 and thereafter, the incident dated 25th March, 2026 reported to the IIC, Berhampur PS as per Annexure-3 series and subsequent incident dated 27th March, 2026 leading the lodging of the FIR i.e. Annexure-4 series by the petitioner, it is pleaded that he should be allowed to go on bail with conditions.

4. On the contrary, Mr. Behera, learned counsel for the informant submits that the informant received a fracture injury and petitioner is responsible for the same. It is also submitted that the petitioner is having other antecedents including a case under Section 302 IPC vide Baramba P.S. Case No.27 dated 7th February, 2023. The copies of the said FIRs and photographs showing the injuries are produced by Mr. Behera, learned counsel at the time of hearing. Apart from above, a decision of



the Apex Court in **Neeru Yadav Vrs. State of U.P. & another** in Criminal Appeal No.1272 of 2015 arising out of SLP (Crl) No.1596 of 2015 decided on 29th September, 2015 is referred to by Mr. Behera, learned counsel for the petitioner while opposing the bail plea of the petitioner with the submission that the necessary conditions enumerated therein are to be fulfilled while dealing with any such application for bail. Recorded the objection of the State. Mr. Brahma, learned ASC produced the case diary and other relevant documents for Court's perusal along with the statements of the witnesses recorded under Section 180 BNSS and the same are gone through.

5. The incident has been narrated by the witnesses alleging the involvement of the petitioner and other officials of the staff of the Forest Department. It is alleged that the accused persons committed the overt acts and assaulted the informant and caused in the injury. The photographs of the informant with the injuries have been produced by Mr. Behera, learned for the informant as earlier stated. In response to the above, Mr. Dhal, learned Senior Advocate refers to the medical prescription and statements of forest officials with regard to the injuries received by them. Some of the officials including the petitioner said to have received head injuries as made to reveal from the OPD Cards at Annexure-4 series. Considering the above facts and having regard to the incidents reported as per Annexure-3 series and Annexure-4 series involving the parties and though the petitioner is having antecedents but a Government servant and alleged incident took place with the involvement of the



informant, an ex-employee of the Forest Department said to have been subsequently retrenched and regard being had to the principles of law decided and the decision (supra) of the Apex Court, this Court is inclined to hold that he should instead be directed to surrender before the learned court below for being released imposing conditions. Such is the view of the Court for the reason that the petitioner is a Government servant and hence, he is unlikely to abscond and that apart, the interest of the informant may be safeguarded with necessary conditions imposed.

6. Accordingly, it is ordered.

7. In the result, the ABLAPL is disposed of with the direction as aforesaid. It is further directed that in the event, the petitioner surrenders before the court of learned S.D.J.M., Nilgiri in connection with C.T. Case No.188 of 2026 corresponding to Berhampur P.S. Case No.41 of 2026 within a fortnight from today, he shall be released on bail upon furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with one solvent surety for the like amount with such other conditions imposed as deemed just and proper in the facts and circumstances of the case in compliance of the direction hereinabove

8. Issue urgent certified copy of this order as per rules.

Signature Not Verified

Digitally Signed
Signed by: THAKURDAS TUDU
Reason: Authentication
Location: OHC, CTC
Date: 15-Jul-2026 13:03:22



(R.K. Pattanaik)
Judge

Tudu