



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No.670 of 2025

Daitari Padhan & Others

...

Appellants

Mr. H.S. Mishra, Advocate

-versus-

State of Odisha & another

...

Respondents

Mr. M.R. Patra, Addl.PP

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL):24.02.2026

Order No.

03.

1. This Criminal Appeal under Section 14-A(2) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989 together with amendment Act, 2016 (in short, "the Act") in nature of bail is directed against the impugned order dated 07.05.2025 passed by the learned Sessions Judge-cum-Special Judge, Sonapur in Special GR Case No. 09 of 2025 arising out of Lachhipur P.S. Case No.21 of 2025 refusing to grant bail to the appellants for commission of offence punishable U/Ss. 103(1)/ 126(2)/ 115(2)/ 296/ 109(1)/3(5) of BNS read with Sec. 3(1)(r)(s)/3(2)(va) of the Act, on the main allegation of committing murder of one Kartika Bariha by assaulting him with bamboo stick and axe for a dispute relating to irrigate the cultivable land.

2. In the course of hearing, Mr. Himanshu Sekhar Mishra, learned counsel for the appellants submits by placing the statement of the informant that the allegation as brought against the appellants does not make out a case U/S.103(1) of BNS, rather it discloses a case of simple assault relating to a



petty dispute for irrigating the cultivable land of the rival parties and the investigation having been done in a perfunctory manner, the detention of the appellants in this case is unwarranted and the witnesses having given parrot like statements, the prosecution case cannot be considered to be a genuine one and, therefore, the appellants may kindly be granted bail.

2.1 On the other hand, Mr. M.R. Patra, learned Addl. PP by placing the statement of witness Debashree Bariha submits that not only the appellants were armed with deadly weapons, but also two of them were armed with bamboo stick and one of them was armed with tangia and they had conjointly assaulted the deceased indiscriminately resulting in his death and, therefore, the bail application of the appellants may not be considered favourably. Mr. Patra accordingly prays to dismiss the appeal.

2.2. Further, the informant appearing in person virtually, however, strongly opposes the prayer for bail of the appellants by submitting *inter alia* that release of the appellants would encourage them to commit the offence again and again and they would also attack and kill them. Accordingly, the informant prays to dismiss the criminal appeal.

3. After having considered the rival submissions upon perusal of record, there appears allegation against the petitioner for attacking the deceased with



bamboo sticks and axe and the opinion as to the cause of death of the deceased is due to massive haemorrhage of brain. Besides, the materials placed on record disclose the occurrence to have been taken place on account of a dispute relating to irrigate the cultivable land. Right now only charge sheet has been submitted, but the trial is yet to commence and at this stage, it is undesirable to opine on merits of the case, since the detailed analysis of evidence and meticulous examination of document on merit should be avoided at the stage of consideration of bail. In that view of the matter and taking into consideration the nature and gravity of the offences as alleged against the appellants vis-à-vis the accusations sought to be brought against them and regard being had to the materials placed on record together with the opinion as to cause of death of the deceased and taking into account the other circumstances on record in entirety including eye witnesses account, this Court does not consider it proper to grant bail to any of the appellants at this stage, more particularly when the eye witnesses are yet to be examined.

4. Hence, the prayer for bail of the appellants stands rejected. Accordingly, the CRLA stands dismissed. A soft copy of the order be immediately communicated to the Court in seisin over the matter for reference.

(G. Satapathy)
Judge