



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8656 of 2026
CNR No. ODHHC010645342026

Rudra Prasad Chand @ Omm **Petitioner**
Mr. Subham Satapathy, Advocate

-Versus-

State of Odisha **Opposite Party**
Mr. S. B. Panda, AGA

CORAM:
MR. JUSTICE R.K. PATTANAIAK

Order
No.

ORDER
13.10.2026

01. 1. Heard learned counsel for the respective parties.
2. Instant petition under Section 439 Cr.P.C. is filed for release of the petitioner on bail in connection with S.T. Case No.172 of 2026 pending in the file of learned Additional Sessions Judge-cum-Presiding Officer, Designated Court under the OPID Act, Cuttack corresponding to Madhupatna P.S. Case No.61 of 2026 on the grounds stated.
3. Perused the FIR as at Annexure-1. A copy of the chargesheet is at Annexure-2. Mr. Satapathy, learned counsel for the petitioner submits that the present accused is not responsible for the gunshot fire as it was at the instance of the co-accused, Huku @ Utkal Keshori Pasayat. The further submission is that another accused, namely, Priyabrata Tripathy is on bail vide BLAPL No.5126 of 2026 and while claiming so, a copy of the order therein dated 27th July, 2026 is produced.



The submission is that the petitioner was not under intoxication, whereas, others which is also revealed from the order in the BLAPL (supra). The claim is that the petitioner does not have any antecedent. With such submission, Mr. Satapathy, learned counsel claims that the petitioner is in custody since 20th February, 2026, hence, should be allowed to go on bail like the co-accused named above.

4. A serious objection is received from learned counsel for the State referring to the case diary and other relevant documents which are produced for perusal of the Court.

5. The case diary reveals that the co-accused persons, namely, Nandu @ Abhijit Mohanty, Huku @ Utkal Keshori Pasayat, Himanshu Sekhar Nayak @ Baun and Poda @ Priyabrata Tripathy are having antecedents and nothing is revealed against the petitioner. This Court finds that the co-accused is on bail vide BLAPL (supra) was alleged of having concealed the fire arm after the incident. The claim is that the petitioner was present at the spot and he is not responsible for any such overt acts committed. The submission of Mr. Satapathy, learned counsel is that one pistol was with co-accused, namely, Nandu @ Abhijit Mohanty and the other accused, namely, Huku @ Utkal Keshori Pasayat fired at the victim causing his death. On perusal of the case diary and statements of other witnesses, nothing specific is alleged against the petitioner. Some of the witnesses, as made to reveal, claimed that the alleged incident is an outcome of previous



animosity but having regard to the fact that one of the co-accused persons named above is on bail and he was in possession of the fire arm and against the petitioner, no other mischief is alleged and he is in custody since last eight months, with the State's objection noted down, this Court is inclined to direct his release subject to following conditions.

6. Accordingly, it is ordered.

7. In the result, the petition under Section 439 Cr.P.C. stands allowed. Consequently, the petitioner is directed to be released on bail in connection with S.T. Case No.172 of 2026 arising out of Madhupatna P.S. Case No.61 of 2026 subject to him furnishing a bail bond of Rs.40,000/-(rupees forty thousand) with one solvent surety for the like amount to the satisfaction of the learned Additional Sessions Judge-cum-Presiding Officer, Designated Court under the OPID Act, Cuttack, who shall impose such other suitable conditions as deemed just and proper and in the facts and circumstances of the case. The above order, as is further directed, shall not be given effect to if the petitioner is having any other similar antecedent.

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: 14-Oct-2026 16:21:58



(R.K. Pattanaik)
Judge