



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL Nos.11590, 11900 & 11904 of 2025 & 385 of 2026

(In the matter of application under Section 483 of BNSS, 2023).

Akhila Swain

(In BLAPL No.11590 of 2025)

Bibhuti Swain & others

(In BLAPL No.11900 of 2025)

Kedar Swain & Another

(In BLAPL No.11904 of 2025)

Sapana Nahak @ Sapan Kumar Nahak

(In BLAPL No. 385 of 2026) ... Petitioners

*Mr. J. Sahoo, Advocate
(in BLAPL Nos.11590 of 2025 & 385 of 2026)*

Mr. M.K.Mishra, Sr.Advocate, along with

*Mr.B.K.Mishra, Advocate
(in BLAPL Nos.11900 & 11904 of 2025)*

-versus-

State of Odisha

... Opposite Party

*Mr. R.B.Mishra, Addl. PP
Mr.S.K.Mahanty, Advocate for (Informant)*

CORAM:

JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:21.04.2026(ORAL)

G. Satapathy, J.

1. Since these four bail applications arise out of one and same case record, the same are heard together and disposed of by this common order with the consent of the learned counsel for the parties.



2. These are applications U/S.483 of BNSS by the petitioners for grant of bail in connection with Chhatrapur P.S. Case No.405 of 2025 corresponding to GR Case No. 951 of 2025 pending in the file of learned SDJM, Chatrapur for commission of offences punishable U/Ss.103/109/115(2)/190/191(2)/191(3)/296/ 303(2)/ 351(2)/351(3) of BNS.

3. In the course of hearing, Mr.Manoj Kumar Mishra, learned Senior Counsel who is being assisted by Mr.Biswa Kumar Mishra, learned counsel for the petitioners in BLAPL Nos. 11900 & 11904 of 2025 submits that the petitioners have been in fact falsely implicated in this case due to political rivalry, but all the allegations appearing against the petitioners are omnibus in nature, however, none of the witnesses has specifically stated the role of each of the individual petitioners and that apart, one of the co-accused Pabitra Sahu has already been granted bail by a Co-ordinate Bench of this Court in CRLMC No. 902 of 2026 and so far the allegation of injuring the other witnesses, there is in fact no injury report available on record, even after submission of



charge sheet and, therefore, those witnesses who claim themselves to be injured cannot be believed because of such situation. Mr.Mishra further submits that the informant has presented the case as if he is the eye witness to the occurrence, but he had arrived later to the spot and his version cannot be believed to detain the petitioners further in custody. Accordingly, Mr.Mishra prays to grant bail to the petitioners. Much or less is the submission as advanced by Mr.Jyotirmaya Sahoo, learned counsel for the petitioners in BLAPL No. 11590 of 2025 & 385 of 2026.

3.1. On the contrary, Mr.Santosh Kumar Mahanty, learned counsel for the informant submits that not only the petitioners have eliminated the deceased with the help of others, but also the motive behind the crime is to take over the village fund which the deceased was opposing and the deceased has in fact sustained 28 injuries which speaks a lot about the action of the petitioners who in tandem had attacked and executed their plan. Mr.Mahanty accordingly prays to reject the bail application of the petitioners.



3.2. Mr.R.B.Mishra, learned Addl. PP in addition to the submissions as advanced by Mr.Mohanty submits that it is a case of killing of an innocent person by assaulting him with lethal weapons and the materials on record definitely disclose allegation against the petitioners for committing murder of the deceased, but so far the contention advanced for the petitioners is concerned, the role of the bail Court is not to adjudicate the materials placed on record, rather to find out prima facie case and in this case, there is prima facie case against the petitioners for assaulting the injured and murdering the deceased Tofan Swain and, therefore, the bail application of the petitioners may kindly be rejected.

4. After having considered the rival submissions upon perusal of record, there appears allegation against the petitioners for committing rioting along with co-accused persons being armed with lethal weapons by forming an unlawful assembly and attacking the deceased-Tofan Swain and the injured persons Aditya Sahu, Rahul Swain, Sudhir Swain and Nandu Barik, but it



is an admitted fact that co-accused-Pabitra Sahu has already been admitted to bail in CRLMC No. 902 of 2026 which is in fact an application U/S. 528 of BNSS, but the petitioners are before this Court in applications U/S. 483 of BNSS, however, the consideration in both the provisions are different. Besides, the PM report of the deceased discloses him to have sustained 28 injuries which includes cut and lacerated wound, contusion, fracture etc. It is, however, stated by the learned counsel for the informant that the motive behind the crime is for taking over the control of village fund namely, fund of "Kothaghar". Be that as it may, there appears serious allegation against the petitioners. In the aforesaid facts and situation and taking into account the nature and gravity of the offences as alleged against the petitioners vis-à-vis the accusations sought to be brought against them and regard being had to the number of injuries found on the person of the deceased and last but not the least, the punishment prescribed for the offences including the offence of murder as alleged against the petitioners and trial having not yet commenced, but there



are eye witnesses account to the occurrence, this Court in this situation does not consider it proper to grant bail to the petitioners.

5. Hence, the bail application of the petitioners Akhila Swain(BLAPL No. 11590 of 2025), Bibhuti Swain, Gheuri @ Gouri Shankar Swain, Harsha Sahu, Sameer Sahu, Niranjana Swain (BLAPL No. 11900 of 2025), Kedar Swain & Tapan Sahu @ Tapan Kumar Sahu(BLAPL No. 11904 of 2025) & Sapana Nahak @ Sapan Kumar Nahak(BLAPL No. 385 of 2026) stands rejected. Accordingly, these BLAPLs stand disposed of. A copy of this order be immediately communicated to the learned trial Court.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 21st day of April, 2026/Kishore*