



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.13609 of 2025

Balaram Barik & Others* ... *Petitioners

Mr. H.K. Mund, Advocate

-versus-

State of Orissa* ... *Opposite Party

Mr. S.C. Pradhan, Addl. PP

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
24.02.2026

Order No.
03.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is a bail application U/S.483 of BNSS by the petitioners for grant of bail in connection with Balangir Sadar PS Case No.293 of 2025 corresponding to GR Case No.1243 of 2025 pending in the file of learned SDJM, Balangir for commission of offences punishable U/Ss.103(1)/309(6)/3(5) of BNS, on the main allegation of committing murder of one Sarada Yadav by assaulting him with sticks, along with co-accused persons.
3. In the course of hearing, Mr. Hemanta Kumar Mund, learned counsel for the petitioners by placing the facts of the case, submits that the statement of so called witnesses namely Anjan Seth and Bikash Bishi are not believable and the recovered sticks pursuant to the disclosure statement of Petitioner No.1 having not contained any blood stain, the use of such weapon of offences cannot be considered in committing the crime,



but the petitioners having detained in custody for no fault may kindly be granted bail.

3.1 On the other hand, Mr. S.C. Pradhan, learned Addl. PP by placing the facts of the case submits that the petitioner no.1 is having two criminal antecedents and the petitioner no.2 is having seven criminal antecedents and they being found to have assaulted the deceased by the eye witnesses, their bail application may kindly be rejected.

4. After having considered the rival submissions upon perusal of record, there appears allegation against the petitioners for assaulting the deceased to death by means of stick, but detail appreciation of materials on record and examination of documents thereon on merit should be avoided at the stage of consideration of bail application and the only thing that is required to be seen at the time of considering the bail application is existence of prima facie case. On a careful scrutiny of materials placed on record together with the statement of the witnesses, it cannot be said at this stage that there is no prima facie allegation against the petitioners. No doubt the counsel for the petitioners has seriously criticized the statement of the eye witnesses namely Anjan Seth and Bikash Bishi to be not believable, but the same cannot be concluded at the stage of consideration of the bail application. In the aforesaid facts and situation and taking into consideration 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 materials placed on record including the statement of the so called eye witnesses and keeping in view the recovery of two sticks pursuant to the alleged disclosure statement of the petitioner no.1 and taking into account the other circumstances on record in entirety, this Court is not inclined to grant bail to the petitioners.

5. Hence, the bail application of the petitioners stands rejected. Accordingly, the BLAPL stands disposed of. A soft copy of this order be immediately communicated to the concerned Court.

(G. Satapathy)
Judge

Jayakrushna