



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 8076 of 2026

1. Bibol Toppo **Petitioners**
2. Rilla Sushila
3. Pushpa Kerketta
4. Amit Tirkey
5. Albert Kindo
6. Ajit Kumar Ekka
7. Binay Bhusan Barla
8. Lalit Lakra
9. Benedict Tirkey
10. Letha Tirkey
11. Abhay Suchit Ekka
12. Radhika Ekka
13. Walter Dungdung
14. Hazari Kerketta
15. Saban Ekka
16. Effrem Toppo
17. Micheal Dungdung

Mr. D. Kanungo, Advocate

-versus-

State of Odisha **Opposite Party**

Mr. U.C. Jena, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

22.07.2026

Order No.

- 01.** 1. Heard learned counsel for the Petitioners and learned counsel for the State.
2. The Petitioners are seeking pre-arrest bail in connection with G.R. Case No.233 of 2026 pending



on the file of learned J.M.F.C., Rajgangpur, arising out of Rajgangpur P.S. Case No.127 of 2026 for commission of offences punishable under Sections 126(2)/ 296/ 189(2)/ 191(2)/ 191(3)/109(1)/121(1)/ 132/74/115(2)/117(2)/324(2)/351(2) BNS.

3. It is submitted by the learned counsel that the Petitioners have been falsely implicated in the case at hand when they were fighting for their rights and hence they may be protected by pre-arrest bail.

4. Learned counsel for the State opposes the prayer for pre-arrest bail.

5. It is also brought to the notice of this Court that Petitioner No.1 (Bibol Toppo) has following criminal antecedents:-

- “(i) Rajgangpur PS case No.85 dt 23.02.2023
U/S 341/323/427/506/34 IPC
- (ii) Rajgangpur PS Case No 601 dt 30.12.2022
U/S 341/294/506/34 IPC
- (iii) Rajgangpur PS Case No 155 dt 28.03.2023
U/S 341/294/448/506/34 IPC
- (iv) Rajgangpur PS Case No 600 dt
30.12.2022 U/S 341/294/506/507/34 IPC
- (v) Rajgangpur PS Case No 601 dt
30.12.2022 U/S 341/294/506/34 IPC
- (vi) Rajgangpur PS Case No128 dt 09.05.2017
U/s 147/148/149/294/351/353/506 IPC
- (vii) Rajgangpur PS Case No.263 dt
08.10.2018 U/s 147/ 148/ 149/ 294/
323/341/506 IPC



(viii) Rajgangpur PS Case No 260 dt 06.10.2018 U/S 147/ 148/ 341/ 323/ 325/ 307/ 294/506/332/353/283/149 IPC/27 Arms Act/7 CrLA Act

(ix) Rajgangpur PS Case No 172 dt 07.04.2023 U/S 147/ 148/ 186/ 294/ 323/ 332/353/307/506/149 IPC."

6. So far as Petitioner No.14 (Hazari Kerketta) is concerned, his criminal antecedents run thus:-

"i) Rajgangpur PS Case No 262 dt 07.10.2018 U/S 294/323/334/341/354/354(b) IPC

ii) Rajgangpur PS 260 No Case dt 06.10.2018 U/S147/148/341/323/325/307/294/506/332/353/283/149 IPC/27 Arms Act/7 CrLA Act

(iii) Rajgangpur PS case No 101 dt 29.04.2007 u/s 294/34/355/363/506 IPC."

7. It is fairly submitted by the learned counsel for the State that though there are number of injured persons the injuries suffered are simple in nature.

8. Taking into account the nature of allegation and the injury report, this Court is not inclined to entertain the ABLAPL in respect of the Petitioner Nos.1 & 14. However, it is directed that the Petitioner Nos.1 & 14 (Bibol Toppo & Hazari Kerketta) respectively may surrender before the learned J.M.F.C., Rajgangpur in connection with the aforementioned case within one month from today.



In the event of their surrender and motion for bail, the same be considered by the learned J.M.F.C., Rajgangpur on merits, in the first hour of the day.

In the event of rejection of the prayer for bail by the learned J.M.F.C., Rajgangpur, the Petitioner Nos.1 & 14 are at liberty to move the higher forum for bail in the second hour on the same day.

9. On being so moved, the higher forum is requested to make an endeavour to dispose of the bail application of the Petitioner Nos.1 & 14 on the same day.

The case diary shall be made available to the concerned courts to facilitate disposal of the bail application of Petitioner Nos.1 & 14 and learned J.M.F.C., Rajgangpur is called upon to transmit the case record to the higher forum at the earliest in the event of rejection of such bail application.

Ground of parity, if any, may be considered by the learned court(s) below.

10. So far as Petitioner Nos.2 to 13 & 15 to 17 are concerned, taking into account the nature of allegation qua the said Petitioner Nos.2 to 13 & 15 to 17, this Court directs that on surrendering within



three weeks hence and moving for bail, Petitioner Nos.2 to 13 & 15 to 17 shall be released on bail by the learned Court in seisin on such terms as deemed just and proper.

11. It is needless to state that the Petitioners shall cooperate with the ongoing investigation.

12. Accordingly, the ABLAPL stands disposed of. U.C.C. as per rules.

(V. NARASINGH)
Judge

Ayesha

Signature Not Verified

Digitally Signed
Signed by: AYESHA ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 23-Jul-2026 19:29:35

