

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No. 875 of 2022**

***Bikram Patra***

....

***Petitioner***

*Mr.S.K. Lenka, Advocate*

*-versus-*

***State of Odisha***

....

***Opp. Party***

*Mr.D.K. Pani,*

*Addl. Standing Counsel*

*Mr. G.Das, Advocate (for the informant)*

**CORAM:**

**JUSTICE S.K. SAHOO**

**Order No.**

**ORDER**

**17.05.2022**

04. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard the learned counsel for the petitioner and learned counsel for the State as well as learned counsel for the informant.

Mr. D.K.Pani, learned Addl. Standing Counsel for the State has brought to the notice of the Court the relevant portion of the charge-sheet, wherein it has been mentioned that the case has turned to under section 379 of the Indian Penal Code and section 51 of the Odisha Minor Mineral Concession Rules, 2016 subtracting sections 3(1)(r), 3(1)(s), and 3(2)(va) of the S.C. & S.T.(PoA) Act and prayer has been made to the learned Presiding Officer, Special Court under the

S.C. & S.T. (PoA) Act for transfer of the original F.I.R. to the Court of learned J.M.F.C., Rural, Cuttack. He further submitted that the petitioner has got ten nos. of criminal antecedents. The relevant portion of the charge sheet filed by the learned counsel for the State is taken on record.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Cuttack Sadar P.S. Case No. 17 of 2022 corresponding to C.T. Case No.13 of 2022 of the Court of learned Presiding Officer, Special Court under the S.C. & S.T. (PoA) Act, Cuttack, which is stated to have been transferred to the Court of learned J.M.F.C., Rural, Cuttack for the commission of the alleged offences under section 379 and section 51 of the Odisha Minor Mineral Concession Rules, 2016.

Perused the F.I.R. annexed to the anticipatory bail application.

Considering the submissions made by the learned counsel for the respective parties and availability of criminal antecedents, while not inclining to grant anticipatory bail to the petitioner, liberty is granted to him to surrender and move for bail in the Court below within a period of four weeks from today in the event of which the learned Courts below shall dispose of the same in accordance with law. The case records shall be made available to the Courts concerned for disposal of the bail application.

The ABLAPL stands disposed of.

The interim order dated 07.04.2022 stands vacated.

Issue urgent certified copy as per Rules.

**( S.K. Sahoo )**  
**Judge**

PKSahoo

