

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3386 of 2022

**1. Rakesh @ Sibaprasad
Kumar Nayak @ Rakesh
Kumar Nayak**

2. Kailash @ Bepari Khandei

3. Himanshu Khandei

**4. Santas @ Santosh Kumar
Rout @ Niranjana Rout**

**5. Biki @ Ajaya Kumar
Senapati**

**6. Prasant @ Prasant Kumar
Khandei**

**7. Amar @ Amarendra
Khandei**

8. Sipu @ Rajendra Khandei

**9. Sahil @ Sahil Kumar
Senapati**

10. Bikash Kumar Nayak

**11. Brahmananda Khandei
@ Khandai**

12. Sankar Khandei

....

Petitioners

Mr. S.K. Bhanjadeo, Advocate

सत्यमेव जयते
-versus-

State of Odisha

....

Opp. Party

Mr. Arupananda Das,

Addl. Government Advocate

*Mr. P.K. Mohapatra, Advocate for
the informant*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
18.05.2022**

Order No.

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

Heard the learned counsel for the petitioners,

learned counsel for the informant and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with G.R. Case No.438 of 2022 arising out of Bolagarh P.S. Case No.61 of 2022 pending in the Court of learned S.D.J.M., Khurda for alleged commission of offences under sections 341/323/367/307/506/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioners submitted that it is a case and counter case and petitioner no.7 is a juvenile and the injured Samir Kumar Senapati has sustained some grievous injuries but he has already been discharged from the hospital.

Learned counsel for the informant submitted that the injured has to undergo treatment also in AIIMS, Bhubaneswar.

Learned counsel for the State on verification of the case record submitted that as per the statement, no specific overt act has been alleged against any of the petitioners and the petitioners are having no criminal antecedent. Learned counsel for the State further submitted that the injury report indicates that two injuries are simple in nature and two of the injuries have been opined to be grievous in nature. He further submitted that there is no material that after discharge from the hospital, the injured Samir Kumar Senapati has been treated in any other hospital.

Considering the submissions made by the learned

counsel for the respective parties, the background of the case, the nature of accusation against the petitioners and the nature of injury sustained by the injured, I am inclined to release the petitioners on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioners in connection with the aforesaid case, they shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that they shall make themselves available for interrogation by the I.O. as and when required and they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Investigating Officer.

Violation of any of the above conditions shall entail cancellation of bail.

The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge