

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

**ABLAPL No.12948 of 2022**

***Sabita Behera***

.... ***Petitioner***  
Mr. P.C. Jena, Advocate

***-versus-***

***State of Odisha***

.... ***Opp. Party***  
Mr. D. Biswal, ASC

**CORAM:**  
**JUSTICE CHITTARANJAN DASH**

**ORDER**  
**26.10.2022**

**Order No.**

02.

1. Heard learned counsel for the Petitioner and the State.
2. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail for the offences under Sections 323/324/325/294/506/34 IPC in connection with G.R. Case No.1100 of 2022 arising out of Balipatna P.S. Case No.249 of 2022 pending in the file of learned J.M.F.C.(O), Bhubaneswar.
3. Having regard to the offence alleged against the Petitioner, it was incumbent upon the investigating authority to resort to Section 41 Cr.P.C. which apparently has not been taken care of.
4. Learned counsel for the State is directed to ensure that the investigating authority strictly adheres to the provision of Section

41 of the Cr.P.C. in view of the dictum in *Arnesh Kumar v. State of Bihar* reported in (2014) 8 SCC 273.

5. The ABLAPL is disposed of.

(Chittaranjan Dash)  
Judge

KC Bisoi

