

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13583 of 2022

Biswanath Behera

.... ***Petitioner***
Mr. S.K. Baral, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. P.K. Maharaj, ASC

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
28.10.2022**

Order No.

01.

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 498-A/323/294/506/34 IPC read with Section 4 of the D.P. Act in connection with G.R. Case No.1518 of 2022 arising out of Purunakote P.S. Case No.125 of 2022 pending in the file of learned S.D.J.M., Angul.
3. Learned counsel for the Petitioner submits that the Petitioner is a Government servant and has been implicated in the offence under Section 498-A IPC primarily, while other allegations do not have any relevance as is being narrated in the F.I.R.
4. 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 keeping in view the dictum of the Apex Court in *Arnesh Kumar v. State of Bihar* reported in (2014) 8 SCC 27 which be adhered to.

4. With the above observation, the ABLAPL is disposed of.

(Chittaranjan Dash)
Judge

KC Bisoi

