

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2305 of 2021

Bibhuti Charan Mishra and Ors. Petitioners

Mr. Pradeep Kumar Kundu, Adv.

-versus-

State of Orissa

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM:
JUSTICE S.K. PANIGRAHI

ORDER
19.01.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State.
3. The Petitioners, in this case, have challenged the order dated 12.01.2018 passed by the learned Assistant Sessions Judge, Nimapara in S.T. Case No.5/12/2014, corresponding to G.R. Case No.329 of 2003, arising out of Nimapara P.S. Case No.108 of 2003 registered under Section 341/ 323/ 279/ 506/34 of the I.P.C., issuing N.B.W. against them.
4. Learned counsel for the Petitioners submits that prior to submission and after submission of charge-sheet, the petitioners are all along on bail without violating the bail condition. However, on 12.01.2018, they could not remain present in court because of communication gap between them and their conducting counsel. Hence, the learned Assistant Sessions Judge, Nimapara issued N.B.W. against them. He further

submits that the petitioners undertake that they will cooperate till the end of the trial and appear before the court on each date of posting without fail, failing which, fresh N.B.W. shall be issued against them.

5. In view of such facts and submissions made by the learned counsel for the Petitioners, this Court is inclined to allow the CRLMC. Accordingly, the order dated 12.01.2018 passed by the learned Assistant Sessions Judge, Nimapara in the aforesaid case, so far it relates to issuance of N.B.W. against the petitioners is hereby quashed.

6. The petitioners are directed to surrender before the court in *seisin* over the matter in the aforesaid case and move for bail within a period of fifteen days hence. On such event, the said court shall release them on bail with some stringent conditions so as to enable them to appear before the court on each date of posting of the case. In addition, the petitioners shall deposit a sum of Rs.1,000/- (rupees one thousand only) as cost for violating the court's order. The said amount shall be deposited with the High Court Bar Associations Welfare Fund and copy of the said deposit shall be presented before the court in *seisin* over the matter.

7. Accordingly, the CRLMC is disposed of.

8. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at

par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020 and Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge

BJ

