

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

**ABLAPL No.16542 of 2021**

***Bhikari Charan Mishra* .... *Petitioner***

*Mr.H.S. Mishra, Advocate*

*-versus-*

***State of Odisha* .... *Opp. Party***

*Mr.J.P. Patra,  
Addl. Standing Counsel  
Mr. Dayananda Mohapatra,  
Advocate (for the informant)*

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

**ORDER  
24.01.2022**

**Order No.**

01. This matter is taken up through video conferencing.

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

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Patnagarh P.S. Case No.222 of 2021 corresponding to G.R. Case No.944 of 2021 pending before the learned S.D.J.M., Patnagarh for commission of alleged offences under sections 407, 420, 465, 468, 471/343 of the Indian Penal Code.

Learned counsel for the petitioner submitted that in the year 1991 the petitioner purchased a piece of

land under holding No.678/1865 of mouza Patnagarh 'Kha' by way of valid registered sale deed executed by Late Kasinath Patra, who was the owner in possession of the land and after thirty years of such purchase, the present case has been foisted against the petitioner. He further highlighted that the informant Santosh Kumar Patra has also instituted a civil suit before the learned Civil Judge (Senior Division), Patnagarh vide C.S. No. 189 of 2016, which is now subjudiced and it is the allegation that during pendency of the said suit, the petitioner has transferred a part of the land in favour of the co-accused persons. Learned counsel further submitted that the offences are triable by Magistrate and the petitioner is an old man and he is ready and willing to cooperate with the investigation and therefore, the prayer for anticipatory bail may be favourably considered.

Learned counsel for the informant opposed the prayer for anticipatory bail.

Learned counsel for the State submits that the case records of 1991 relating to registration of the sale deed are missing from the office of the Sub-Registrar, Patnagarh.

Considering the submissions made by the learned counsel for the respective parties, nature of accusation against the petitioner and since the civil suit is pending between the parties and the fact that

the offences are triable by Magistrate and taking into account the age of the petitioner, I am inclined to release the petitioner on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner in connection with the aforesaid case, he shall be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that he shall make himself available for interrogation by the I.O. as and when required and he 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 any facts to the Courts or to the Investigating Officer.

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

The ABLAPL is accordingly disposed of.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed vide office order dated 7<sup>th</sup> January 2022.

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