IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 3319 of 2025

1. ***Narendra Behari @ Narendra Behari Das*** .... ***Petitioners***
2. ***Abhishek Panda***
3. ***Phukula @ Prasanta Kumar Barik***

Mr. S. Mohapatra(2), Advocate

-versus-

1. ***State of Odisha*** .... ***Opposite Parties***
2. ***Madhab Mishra***

Mr. C.R. Swain, AGA
Mr. G.P. Jena, Adv.(Informant)

CORAM: JUSTICE V. NARASINGH

ORDER

16.12.2025

Order No.

08. 1. Heard learned counsel for the Petitioners, learned counsel for the State and learned counsel for the Informant.

2. The Petitioners are seeking pre-arrest bail in connection with C.T. Case No.207 of 2025 pending in the Court of learned SDJM, Balasore, arising out of Sahadevkhunta P.S. Case No.103 of 2025 for commission of offence punishable under Sections 189(2)/ 109(1)/ 191(2)/ 191(3)/ 296/ 115(2) /324(4) / 126(2) / 351(3)/ 190 of BNS, 2023 r/w Sec 27 of Arms Act, 1959.

3. It is submitted by the learned counsel for the Petitioners that the genesis of the offence relates to

fixing of timing of buses flying from Balasore to different destinations.

4. It is submitted by the learned counsel that in the meanwhile charge sheet has been filed in the case at hand on 13.12.2025 and attention of this Court is drawn that in the charge sheet there is no mention of Section 109 of BNS and the injuries have been cited as simple.

Copy of the charge sheet is taken on record.

5. It is submitted by the learned counsel for the Petitioners that in such view of the matter Petitioners may be protected by pre arrest bail.

6. Such submission is opposed by the learned counsel for the State as well as Informant.

7. It is the submission of the learned counsel for the Informant that taking into account the nature of allegation, filing of the charge sheet fortifies the allegations and it is submitted that since there is injury corresponds to the allegations the Petitioners ought not to be protected by pre-arrest bail.

8. On instruction, learned counsel for the Petitioners submits that apart from the FIRs which relate to the self-same occurrence, Petitioner No.3 has no criminal proclivity and so far as Petitioner Nos.1 & 2 are concerned they have criminal

antecedents which are year old and also relate to the incident in question.

9. Considering the nature of allegations in the case at hand, the filing of the charge sheet and keeping in view the dictum of the Apex Court in the case of ***Satender Kumar Antil vrs. Central Bureau of Investigation & another***, ***2023 SCC Online SC 452*** relating to the manner of appreciation of prayer for pre-arrest bail, it is directed that on surrendering within three weeks hence and moving for bail, the Petitioners shall be released on bail by the learned Court in seisin on such terms as deemed just and proper.

10. Accordingly, the ABLAPL stands disposed of. U.C.C. as per rules.

(V. NARASINGH)
Judge

Ayesha

Signature Not Verified
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Signed by: AYESHA ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 18-Dec-2025 11:35:29