IN THE HIGH COURT OF ORISSA AT CUTTACK

Badal Sahu
(In BLAPL No.8618 of 2025)
Mantri @ Sahadeba @ Sahadev Rana
(In BLAPL No.3437 of 2025)
Rahul Nayak
(In BLAPL No.8915 of 2025) ... ***Petitioners***

Mr. A.R. Panda, Advocate
(in BLAPL No.8618 of 2025)
None
(in BLAPL No.3437 of 2025)
Mr. D.J. Sahoo, Advocate
(in BLAPL No.8915 of 2025)

-versus-

State of Orissa ... ***Opposite Party***

Mr. M.R. Patra, Addl. PP

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
01.12.2025

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).

2. Since these three bail applications arise out of one and same case record, the same are heard together and disposed of by this common order with the consent of the learned counsel for the parties.

3. These three applications U/S.483 of BNSS by the petitioners for grant of bail in connection with Phulbani Sadar PS Case No.253 of 2024 corresponding to ST Case No.16 of 2025 pending in the Court of learned Addl. Sessions Judge, Phulbani, Kandhamal for commission of offences punishable U/Ss. 103(1)/3(5)

of BNS, on the main allegation of committing murder of one Akash Danga.

3. In the course of hearing Mr. Amulya Ratna Panda, learned counsel for the petitioner submits that the case is entirely based on circumstantial evidence of last seen theory and extra judicial confession before Mishra Jagdala, but the witness to the last seen theory Mami Mallick while being examined as PW.12 has become hostile, but the witness Mishra Jagdala has died before he could be examined and therefore, there is absolutely no material to detain the petitioner further in custody. Accordingly, Mr. Panda prays to grant bail to the petitioner. In adopting the submission of Mr. Panda, Mr. Dibyajyoti Sahoo prays to grant bail to the petitioners. On the other hand, Mr. M.R. Patra, learned Addl. PP however, strongly opposes the bail application of the petitioners by contending inter alia the recovery of the weapon of offence pursuant to the disclosure statement of the petitioner. Mr.Patra accordingly prays to reject the bail application of the petitioners.

4. After having considered the rival submissions upon perusal of record, there appear allegations against the petitioners for committing murder of the deceased, but the case is based on circumstantial evidence of last seen theory, extra judicial confession and recovery of weapon of offence, however, the witness to the last seen theory namely Mami Mallik has already turned hostile to the prosecution case. Similarly, the witness to

the disclosure statement of the petitioner while being examined as PW.9 and PW.10 have not supported the prosecution case against the petitioners. Further, the witness to extra judicial confession namely Mishra Jagdala died before he could be examined in the trial. In such view of the matter and after having after having considered the rival submissions and taking into consideration the nature and gravity of the offences as alleged against the Petitioners vis-à-vis the accusation sought to be brought against them and regard being had to the pre-trial detention of the Petitioners in custody since 27.12.2024 with examination of material witnesses who have not supported the prosecution allegation and taking into account the other circumstances on record in entirety, this Court without expressing any view on merit admits the petitioners to bail.

5. Hence, the bail applications of the petitioners Badal Sahu in BLAPL No.8618 of 2025; Mantri @ Sahadeba @ Sahadev Rana in BLAPL No.3437 of 2025 and Rahul Nayak in BLAPL No.8915 of 2025 stands allowed and the petitioners is allowed to go on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) only with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it.

6. Accordingly, the BLAPL Nos.8618, 3437 & 8915 of 2025 stands disposed of.

7. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Jayakrushna

Signature Not Verified
Digitally Signed
Signed by: JAYAKRUSHNA DASH
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 02-Dec-2025 11:41:11