IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12198 of 2025

1. Prafulla Majhi …. ***Petitioners***
2. Tapas Kumar Majhi
3. Pradeep Kumar Majhi @ Bapi
4. Satyabrata Swain @ Gudu

Mr. A. N. Samantray, Advocate

-versus-

State of Odisha …. ***Opposite Party***

Mr. S. Panda, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
15.12.2025

Order No.

02. 1. Heard learned counsel for the Petitioners and learned counsel for the State.

2. The Petitioners are seeking pre-arrest bail in connection with G.R. Case No.909 of 2025 pending on the file of learned J.M.F.C.(P), Kujang, Jagatsinghpur, arising out of Kujang P.S. Case No.350 of 2025 for commission of offences punishable under Sections 126(2)/ 296/ 115(2)/ 118(2)/ 125(a)/ 351(3)/ 3(5) of BNS, 2023.

3. It is submitted by the learned counsel that omnibus allegations have been made. Hence, the Petitioners may be protected by pre-arrest bail.

4. Learned counsel for the State opposes the prayer for pre-arrest bail, inter alia, on the ground that notwithstanding the injury has been categorized as simple one of the injured (Umesh Pradhan) has been referred to SCBMCH for further examination.

5. It is further submitted by the learned counsel that Petitioner No.1 has two antecedents which run thus:-

> "1. Kujanga PS case no. 224 dt. 18.10.20219 u/s 147/148//341/294/323/307/506 IPC
> 2. Abhayachandapur PS case no. 5 dt. 02.07.20212 u/s147/ 178/ 149/ 307/ 332/ 353/ 379/ 511 IPC"

6. Taking into account the nature of allegation and the criminal antecedent as noted hereinabove, this Court is not inclined to entertain the application for pre-arrest bail in respect of Partitioner No.1. However, it is directed that the Partitioner No.1 (Prafulla Majhi) may surrender before the learned J.M.F.C.(P), Kujang in connection with the aforementioned case within one month from today.

In the event of his surrender and motion for bail, the same be considered by the learned J.M.F.C.(P), Kujang on merits, in the first hour of the day.

In the event of rejection of the prayer for bail by the learned J.M.F.C.(P), Kujang, the Petitioner is at liberty to move the higher forum for bail in the second hour on the same day.

7. On being so moved, the higher forum is requested to make an endeavor to dispose of the bail application of the Petitioner on the same day.

The case diary shall be made available to the concerned courts to facilitate disposal of the bail application of the Petitioner and learned J.M.F.C.(P), Kujang is called upon to transmit the case record to the higher forum in the second hour expeditiously in the event of rejection of the bail application by him.

Ground of parity, if any, may be considered by the learned court(s) below.

8. So far as the ABLAPL in respect of Petitioner Nos.2 to 4 are concerned, taking into account the nature of allegations and the punishment prescribed, this Court directs that on surrendering within three weeks hence and moving for bail, the Petitioner Nos.2 to 4 (Tapas Kumar Majhi, Pradeep

Kumar Majhi @ Bapi and Satyabrata Swain@ Gudu respectively) shall be released on bail by the learned Court in seisin on such terms as deemed just and proper subject to verification of criminal antecedent of similar nature and nature of the injury.

9. If it comes to the fore that the Petitioner Nos.2 to 4 have any such criminal antecedent and the injured has suffered any grievous injury, this order shall not be given effect to.

10. It is needless to state that the Petitioner Nos.2 to 4 shall cooperate with the ongoing investigation.

11. Accordingly, the ABLAPL stands disposed of.

(V. NARASINGH)
Judge

Jina

Signature Not Verified
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Reason: Authentication
Location: High Court of Orissa
Date: 17-Dec-2025 15:47:36