IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.1574 of 2026

Kishore Kumar Mohapatra … ***Petitioner***

Mr. Sk. Zafarulla, Advocate

-versus-

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

Mr. C. Mohanty, Addl. PP

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL):08.04.2026

Order No.

01. 1. This is a bail application U/S.483 of BNSS by the petitioner for grant of bail in connection with Tihidi PS Case No.5 of 2021 corresponding to ST Case No.38 of 2025 pending in the file of learned Additional Sessions Judge, Bhadrak, for commission of offences punishable U/Ss.457/302/506/34 of IPC, on the main allegation of committing murder of the deceased Rabindra Khuntia by smashing his head with a stone, along with co-accused persons in furtherance of their common intention.

2. In the course of hearing, Mr. Sk. Zafarulla, learned counsel for the petitioner submits that although there appears omnibus allegation against the petitioner, but he is in custody since long and co-accused has already been granted bail and, therefore, the present petitioner may kindly be extended with principle of parity. It is further submitted by Mr. Zafarulla that although charge has been framed against the petitioner since 05.03.2025, but not a single witness has yet been examined and, thereby, the petitioner is also entitled to bail on that score. On the aforesaid submission, Mr. Zafarulla by highlighting *inter-alia* for the petitioner not having any *mens rea* to commit murder, prays to grant bail to him.

2.1. On the other hand, Mr. C. Mohanty, learned Additional Public Prosecutor by placing the statement of the

informant and the witness Fagunath Sahoo submits that not only the petitioner has smashed the head of the deceased with a stone, but also he remained absconded for a substantial period and, thereby, the bail application of the petitioner may kindly be rejected.

3. After having considered the rival submissions upon perusal of record, it appears that on 03.01.2021, FIR was registered against the petitioner and three others for allegedly committing the murder of the deceased, but the petitioner surrendered before the Court on 06.02.2025, which is after four years. Besides, there is eye witnesses' account to the occurrence, but eye witnesses are yet to be examined in this case. No doubt, co-accused has been granted bail, but the petitioner cannot be considered to be similarly situated with co-accused released on bail in view of the discussion made hereinabove. In the aforesaid facts and circumstance and taking into account the nature and gravity of the offences as alleged against the petitioner vis-à-vis the allegation sought to be brought against him and regard being had to the materials placed on record and taking into account the abscondance of the petitioner for a period of four years, this Court is not inclined to grant bail to the petitioner.

4. Hence, the bail application of the petitioner stands rejected. Accordingly, the BLAPL stands disposed of. A copy of this order be immediately transmitted to the learned Court in seisin over the matter.

(G. Satapathy)
Judge

Signature Not Verified
Subhasmita
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Signed by: SUBHASMITA DAS
Designation: Sr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 09-Apr-2026 11:17:23