IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.6619 of 2026
CNR No. ODHC010459952026

Sankar @ Bangara Behera & Anr. ..... ***Petitioners***

Represented by Adv. - Ashok Das

-versus-

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

Represented by Adv. -Mr. D.K.Sahoo, A.G.A.

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

Order No. **19.11.2026**

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

2. Heard learned counsel appearing for the Petitioners and learned Additional Government Advocate appearing for the State-Opposite Party. Perused the bail application as well as the case diary and other materials placed before this Court for consideration during the hearing of the bail application.

3. The present bail application under Section 483 of B.N.S.S. has been filed by the Petitioners for regular bail in connection with ST Case No.97 of 2026, arising out of Nuagaon P.S case No.353 of 2025, pending in the Court of learned Sessions Judge, Ganjam for alleged commission of offence punishable under Sections 103(1)/238/118(2)/3(5) of BNS.

4. That the prosecution story as per FIR is that the informant Siba Pradhan lodged a written Unknown FIR in Nuagaon Police station on dated 12.102025 alleging therein that on very same day at about 3 AM his father had been to the nearby embankment to pluck the flowers. Later on the informant came to know that his father was killed and rushed to the spot and found the dead body of his father floating in the river.

5. It is stated by the learned counsel for the Petitioners that the Petitioners who were arrested on 09.11.2025 have been languishing in custody since that date. Learned counsel for the Petitioners contended that in the meantime, the investigation has been concluded and the final charge sheet has been filed principally for commission of offence under Section 103 of B.N.S. Learned counsel for the Petitioners at this juncture emphatically submitted that there are no eye witnesses of the occurrence. There is also no material against the Petitioner No.1 except a confessional statement made before the police. Learned counsel for the Petitioners further contended that the entire prosecution case is built on circumstantial evidence and there are no eye witnesses to the occurrence. Learned counsel for the Petitioners further contended that as per the prosecution allegation the Petitioner No.1 conspired with the Petitioner No.2 and after the occurrence took place the assailant informed the Petitioner No.1. On such ground, learned counsel for the Petitioners contended that since there are no incriminating material against the present Petitioners, they may be released on bail.

6. In course of his argument, learned counsel for the Petitioners relied upon the forensic fingerprint report of the State Finger Print Bureau, Odisha. On perusal of the said report, it appears that the

Finger Print of the Petitioner No.2 was sent to the fingerprint bureau for verification and to match such fingerprint with that of the finger Print found on the weapon of offence seized in course of investigation. The report dated 18.10.2026, copy of which was produced in course of hearing and taken on record, reveals that the sample fingerprint of Petitioner No.2 send for verification does not tally with the one that is available on the weapon of offence allegedly seized in course of investigation. In such view of the matter, learned counsel for the Petitioners contended that both the Petitioners have been implicated on baseless allegations since there is no evidence or material to justify the same.

7. Learned counsel for the State on the other hand objected to the release of the Petitioners on bail. At the outset, learned counsel for the State contended that offence involved in the present case is grievous and heinous in nature. He further submitted that the deceased was brutally assaulted and murdered by the present Petitioners. Learned counsel for the State, in course of his argument, extensively relied upon the confessional statement of the Petitioner No.1. However, no other material was relied upon by the learned counsel for the State, and the same is not available in the case diary. It was also admitted by the learned counsel for the State there are no eye witnesses to the occurrence and that the prosecution is largely based on circumstantial evidence. In the aforesaid factual backdrop, learned counsel for the State submitted that since enough materials have been collected in course of investigation, the Petitioners are not entitled to be released on bail at this stage and, such bail application be rejected.

8. Having regard to the materials on record, further taking note of the submissions made by the learned counsel appearing for both sides,

this Court prima facie found that there are no eye witnesses of the occurrence and that the prosecution case is based on circumstantial evidence. Although, in course of hearing, learned counsel for the State extensively relied upon the confessional statement of the Petitioner No.1 before the police, the same is not a reliable piece of evidence since it is a confession made before the police and such a confession is not admissible to the evidence. Apart from the same, this Court found no material against the present Petitioners.

9. In view of the aforesaid position, this Court is inclined to release the Petitioners on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) each with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper. Violation of any of the terms and conditions shall entail cancellation of bail.

10. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)

Judge

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