IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.8116 of 2026
CNR No. ODHC010574862026

Mithun Behera **.....** ***Petitioner***

Represented by Adv. - Bharat Bhusan Routray

-versus-

State Of Odisha **.....** ***Opposite Party***

Represented by Adv. – B.K. Sahu, A.G.A.

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA
ORDER
19.11.2026

Order No.

02. 1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel appearing for the Petitioner and learned Additional Government Advocate appearing for the State-Opposite Party. Perused the materials placed before this Court.

3. The present bail application under Section 483 of B.N.S.S has been filed by the Petitioner for regular bail in connection with G.R. Case No.281 of 2026, arising out of Khamar P.S. Case No.166 of 2026, pending in the Court of learned S.D.J.M., Pallahara for alleged commission of offence punishable under Sections 310(2) / 331(2)/ 317(3) of BNS read with Sections 25/27 of Arms Act.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 24.05.2026. He further contended that in the meantime investigation has been concluded and the final charge sheet has been filed. Learned counsel for the Petitioner further contended that although the Petitioner is having two similar criminal antecedents, however, he is ready and willing to abide by

any stringent terms and conditions that will be imposed by this Court in the event his release on bail. It was also brought to the notice of the Court that the Petitioner belongs to the locality, therefore, there is no chance of absconding. Learned counsel or the Petitioner, further referring to the allegation made in the FIR, submitted before this Court that the Petitioner has been falsely implicated in the present case. He further submitted that initially the FIR was lodged against unknown accused persons, however, subsequent, the Petitioner has been implicated on the basis of the co-accused statement. On such ground, learned counsel for the Petitioner prayed for the release of the Petitioner on bail.

5. Learned Additional Government Advocate, on the other hand, opposed the bail application of the Petitioner on two grounds; first, the Petitioner has been identified in the TI parade, and secondly, the recovery has been made from the possession of the present Petitioner. She further submitted that the Petitioner is having two similar criminal antecedents. Therefore, in the event the Petitioner is released on bail, there is every likelihood that he might indulge in similar criminal offences. On such ground, learned counsel for the State prayed for rejection of the bail application.

6. Having heard learned counsel for the respective parties and on careful consideration of the surrounding facts as well as materials on record, further keeping in view the period of custodial detention of the Petitioner as well as the fact that the charge sheet has been filed and taking note of the antecedent of the present Petitioner, this Court is inclined to release the Petitioner on bail subject to imposition of stringent conditions.

7. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (Rupees

Fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter.

8. Release of the Petitioner shall also be subject to the following conditions: -

I. the Petitioner shall not indulge in similar type of offences while on bail;

II. the Petitioner shall not threaten or terrorize the prosecution witnesses and shall not tamper with any prosecution evidence;

III. the Petitioner shall appear before the jurisdictional Police Station once in a fortnight for a period three months, preferably on 'Sunday' in between 10.00 A.M. to 1 P.M., thereafter, once in a month till conclusion of the trial;

IV. the Petitioner shall appear before the learned trial court during trial on each date of posting, unless his personal appearance is dispensed with by the learned trial court; and

V. the Petitioner shall not leave the jurisdiction of the court in seisin over the matter without prior permission of the court in seisin over the matter.

Violation of any other conditions shall entail cancellation of the bail application.

9. The BLAPL is, accordingly, disposed of.

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(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
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Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 20-Nov-2026 13:32:31