IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLREV No.624 of 2026
CNR No. ODHC010630692026

Bikash Bhoi **.....** ***Petitioner***

Represented by Adv. - Amlan Shakti Paul

-versus-

State Of Odisha **.....** ***Opposite Parties***

Mr. D.K. Sahoo, AGA

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
03.11.2026

Order No.

01. 1. This matter is taken up through Hybrid mode.

2. The present criminal revision has been filed under Section 401 of Cr.P.C. read with Section 397 of Cr.P.C. challenging the order dated 04.07.2026 passed by the learned 4th Additional Sessions Judge-cum-Children's Court, Bhubaneswar in Criminal Appeal No.73 of 2026.

3. The facts of the case, in brief, is that one Ashok Kumar Behera before the I.I.C. Khordha Sadar Police Station to effect that on 19.09.2021 at 10,00 P.M., while the children of his Sahi were indulged in dancing to the music of D.J., near the Village Club on theeve of their emersion of Sahi Khudurukuni at that time one Prasanta Bhoi passed filthy languages against the Sahi Children. When the Informant father objected the same, there was hot exchange of warods among the inhabitants of the Bhoi Sahi and

Behera Sahi. All on a sudden, one Prasanta Bhoi, Prafulla Bhoi, Prakash Bhoi and Jayant Bhoi being armed with wooden Plank and Katuri attacked the informant's father, for which he was succumbed to injuries at D.H.H., Khordha. On the basis of such information, the present case was registered.

4. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the case record as well as the prayer made therein.

5. Learned counsel for the Petitioner, at the outset, submitted that the Petitioner, who is a juvenile, is languishing in custody since 18.05.2026. He further contended that initially the Petitioner was not named in the FIR, however, on the basis of the co-accused statement he has been implicated as an accused subsequently and his name has been reflected in the charge-sheet which has already been filed after conclusion of the investigation. Learned counsel for the Petitioner, at this juncture, submitted that some of the co-accused persons have already been released on bail, namely Prafulla Bhoi, Pabitra Bhoi, Jayanta Bhoi and Prakash Bhoi. He further contended that the principal accused, namely one Prasant Bhoi is still continuing in custody. Learned counsel for the Petitioner further submitted that another juvenile, namely Jayanta Bhoi, who was also arrested in connection with this case, has already been enlarged on bail by this Court. On such ground, learned counsel for the Petitioner contended that the Petitioner, who was neither named in the FIR and has not played any specific role in the alleged crime, be enlarged on bail on any terms and conditions as would be just and proper by this Court.

6. So far the present Petitioner is concerned, it is stated that the Petitioner is a juvenile. As such, the CICL is an innocent boy in the locality and he has been falsely implicated in the present case. It was also submitted by the learned counsel for the Petitioner that such implication of the CICL in the present case and his confinement at the observation home has caused irreparable mental injury to the CICL and that the same has put the future of the CICL at risk.

7. It is further contended on behalf of the CICL that the learned court below while considering the bail application of the CICL has completely lost site of the provisions of law applicable to a juvenile and further the enquiry has not been conducted properly by the learned court below. It is further submitted that the CICL has no criminal antecedents and he is a minor and innocent boy of the locality. The alleged incident and the false implication has caused a scar in the mind of the CICL and as a result of which the young boy has gone into depression. Under such circumstances, learned counsel for the CICL submits that with the present state of mind of the CICL, the future of the CICL is dark.

8. Learned counsel for the CICL further submits that the learned courts below have completely ignored the stand of the CICL that there was a long standing family dispute between the Bhoi Sahi and Behera Sahi. The case has been lodged by the informant falsely implicating the present petitioner. Learned counsel for the CICL further submits that the police while investigating into the matter arrested the petitioner in the present case.

9. Learned counsel for the petitioner further submits that the

petitioner is in custody since long and that the investigation has been concluded and charge-sheet has been filed. Further there is no possibility of the petitioner coming in contact with hardcore criminals once he is released on bail as the parents are ready and willing to give undertaking to the court to the effect that they will lookafter and keep watch on the activities of the CICL once he is released on bail and further the parents shall also ensure that the petitioner would appear before the court on each and every date of hearing in trial court and further shall abide by any terms and condition to be imposed by this Court.

10. Learned counsel for the State vehemently opposes the prayer for bail of the CICL. Relying upon the statement of the witnesses, learned counsel for the State submits that a case is well made out against the CICL under the alleged sections of the Indian Penal Code. Further learned counsel for the State expresses his apprehension to the effect that in the event the petitioner is released on bail, there is a possibility that he might come in contact with the hardcore criminal. He further submits that considering the age of the victim, the alleged crime is very heinous in nature. In such view of the matter, learned counsel for the State urges that the bail application of the CICL should be rejected and he also submits that in view of Section 12 of the J.J. Act safety of the CCL is first priority.

11. It is not disputed that the CICL was not getting proper care and affection from his family particularly his parents. Therefore, he needs counseling/supervision.

12. Having heard learned counsel for the parties and upon perusal

of the materials on record and taking into consideration the facts and circumstances of the case as well as nature and gravity of the offence and further keeping in views the provision under Section 12 of the Juvenile Justice (Care and Protection) Act, 2015, the period of detention of the CICL in the Observation Home and absence of any material that while on bail the criminal is likely to come in association with any known criminal or will be exposed to moral, physical or psychological danger or his release would defeat the ends of justice, I am inclined to release the petitioner on bail.

13. Accordingly, the petitioner is directed to be released on bail on his parent or any family member executing personal bond for a sum of Rs.20,000/-(rupees twenty thousand) with two solvent sureties each of the like amount to the satisfaction of the learned court in seisin over the matter and also on filing an affidavit by such family member before the concerned Court to the effect that:-

I. The Family Member/Parents shall be responsible for the well-being of the CICL;

II. he shall ensure that the petitioner does not fall into bad company;

III. he shall ensure the presence of the petitioner before the learned court below on each date when the case would be posted for inquiry; and

IV. The CICL shall appear before the DCPO once in every month till conclusion of the trial and the DCPO shall submit a report every month before the concerned P.M. J.J. Board.

14. With the aforesaid observation, the impugned order dated

04.07.2026 passed by the learned Additional Sessions Judge, Bhubaneswar in the aforesaid case is set aside.

15. The CRLREV is accordingly allowed.

Urgent certified copy of this order be granted on proper application.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout

Signature Not Verified
Digitally Signed
Signed by: SANTANU KUMAR ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 04-Nov-2026 15:57:16