IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.11910 of 2026
CNR No. ODHC010790322026

1) Soubhagya Behera **.....** ***Petitioners***
2) BISWAJIT SAHANI
Represented by Adv.
- Sahasransu Sourav

-versus-

STATE OF ODISHA **.....** ***Opposite Parties***
Represented by Adv.
– Mr. C.R. Swain,
AGA

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

ORDER
23.10.2026

Order No.

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

2. Heard learned counsel for the Petitioners and learned Additional Government Advocate for the State-Opposite Party. Perused the records.

3. The present application has been filed under Section 482 of B.N.S.S. for releasing the Petitioners on anticipatory bail for alleged commission of offences under Sections 109/127(2)/131/296/3(5) of B.N.S., 2023 read with Section 3(1)(r), 3(1)(s), 3(2)(va) of SC and ST (PoA) Act. However, in view of the bar contained under Sections 18 as well as 18-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the present application u/s 482 of B.N.S.S. is not maintainable. The

provisions of section 482 of B.N.S.S. is not applicable to the case registered involving an offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Further, this Court has also elaborately discussed the issue in the case of ***Pramod Kumar Ray and others-vrs.-State of Odisha***, reported in ***(2017) 67 OCR 309***. In the light of the principle laid down by this Court in ***Pramod Kumar Ray*** (supra), the present bail application is being disposed of with the following observations.

5. The Petitioners shall surrender before the learned District & Sessions Judge, Kendrapara in connection with Kendrapara Sadar P.S. Case No.139 dated 01.03.2026, corresponding to T.R. Case No.26 of 2026 on or before 09.11.2026. Seven days before the Petitioners surrender before the said Court, their counsel shall serve a copy of the bail application or such number of copies of the bail application on the learned Public Prosecutor/Special Public Prosecutor, as required by him, for the purpose of notice to the victim or his counsel or dependent.

6. Further, it is directed that on advance intimation the case diary and other relevant materials be made available to the Court in seisin over the matter by the date of surrender. The learned Court in seisin over the matter is further directed to consider the case of the Petitioners in accordance with law and shall dispose of the bail application on the very same day.

7. Till the date of surrender of the Petitioners as stipulated in this order, the Petitioners shall not be arrested in connection with the aforesaid case.

8. The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(Aditya Kumar Mohapatra)
Vacation Judge

Madhu/ Sisir

Signature Not Verified
Digitally Signed
Signed by: SISIR KUMAR SETHI
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 24-Oct-2026 18:38:49