IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.12177 of 2026
CNR No. ODHC010817092026

1) Bibhu Prasad Sahoo @ Chhati	***.....***	***Petitioners***
2) Chinmaya Sahoo		Represented by Adv. – Mr. Samarendra Mohanty

-versus-

1) State of Odisha	***.....***	***Opposite Parties***
2) Kusa Behera		Represented by Adv. – Mr. S.K. Rout, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
23.10.2026

Order No.

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

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

3. The present application has been filed for releasing the Petitioners on anticipatory bail for alleged commission of offences under Sections 281/296/115(2)/109(l)/351(2)/3(5) of B.N.S., 2023 read with Sections 3(1)(r), 3(1)(s) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. 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 under Section 482 of the BNSS, 2023 is not maintainable. The provisions of Section 482 of the BNSS, 2023 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 Additional District and Sessions Judge-cum-Special Judge, Khurda in T.R. Case No.177 of 2026, arising out of Bolagarh P.S. Case No.425 of 2026 on or before 16.11.2026. 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/her 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

Debasis

Signature Not Verified
Digitally Signed
Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 25-Oct-2026 09:21:29