IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11873 of 2026

CNR No. ODHC010788752026

Bidyabharati Panda …. ***Petitioner***

Mr. B.P. Pradhan, Advocate

-versus-

1. ***State of Odisha*** …. ***Opposite Parties***
2. ***Abhiram Mohapatra***

Mr. S. Panda, ASC
Mr. R. Behera, Advocate
(Informant)

CORAM:
JUSTICE V. NARASINGH

DATE OF HEARING : 30.10.2026

DATE OF ORDER : 31.10.2026

V. Narasingh, J. Heard learned counsel for the Petitioner, learned counsel for the State and learned counsel for the Informant.

2. The Petitioner is seeking pre-arrest bail in connection with I.C.C. Case No.22 of 2022, corresponding to G.R. Case No.334 of 2021, pending in the Court of the learned S.D.J.M., Paralakhemundi, arising out of Paralakhemundi P.S. Case No.141 of 2021, for commission of

offences punishable under Sections 302[1]/120-B[2] of the Indian Penal Code, 1860 (in short, "IPC"), for allegedly committing the murder of her husband, Soumya Ranjan Mohapatra, who was the Assistant Conservator of Forest of Paralakhemundi Sub-Division, in connivance with the other co-accused, namely, Sangram Keshari Behera and Manmath Kumbha.

3. Bereft of unnecessary details, brief facts germane for just adjudication is stated as under:

Paralakhemundi P.S. Case No.141 of 2021, corresponding to G.R. Case No.334 of 2021, on the file of the learned S.D.J.M., Paralakhemundi, was instituted under Sections 302[1]/120-B[2] of the IPC, in

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[1] **302. Punishment for murder**.—Whoever commits murder shall be punished with death, or imprisonment for life, and shall also be liable to fine.

[2] **120-B. Punishment of criminal conspiracy**.—(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.
(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.

which the present Petitioner was cited as accused No.1, along with one Sangram Keshari Behera, the then DFO, and Manmath Kumbha, a cook working in the house of the present Petitioner and the deceased.

Considering the sensitive nature of the case, the investigation was handed over to the C.I.D., Crime Branch, Cuttack, and the case was numbered as CID P.S. Case No.12 of 2021.

After thorough investigation, CID, Crime Branch, submitted the charge sheet under Sections 285[3]/304-A[4] of the IPC against the Petitioner, wife of the deceased, absolving the others.

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[3] **285. Negligent conduct with respect to fire or combustible matter**.—Whoever does, with fire or any combustible matter, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person,

or knowingly or negligently omits to take such order with any fire or any combustible matter in his possession as is sufficient to guard against any probable danger to human life from such fire or combustible matter,

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

[4] **304-A. Causing death by negligence**.—Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Being aggrieved by the same, the father of the deceased, who was the Informant, filed I.C.C. No.22 of 2022 by way of a "protest petition" in the Court of the learned S.D.J.M., Paralakhemundi.

In the said complaint petition, the initial statement of the Complainant-father of the deceased (Soumya Ranjan Mohapatra) and three other witnesses were recorded. Considering the same, by order dated 12.04.2023, the learned S.D.J.M., Paralakhemundi, took cognizance of the offences under Sections 302[1]/120-B[2] of the IPC and came to a finding that there were sufficient materials to proceed against the Petitioner and other accused persons and issued process against them.

4. At this stage, it would be apposite to note that assailing such order of cognizance, the

Petitioner filed CRLMC No.2565 of 2023[5], which was not entertained by this Court by order dated 03.07.2025. The said judgment has attained finality having not been assailed by the Petitioner.

4-A. Paragraphs 23 and 25 of the said judgment, which have a bearing on the stand of the Petitioner in the present ABLAPL, are extracted hereunder:

> "23. While this Court acknowledges the submissions regarding Rule 20 of the General Rules and Circular Orders (Criminal) and the procedural requirements for treating a protest petition as a complaint, it is observed that substance must prevail over form. If the protest petition contains the essential ingredients of a complaint as defined under Section 2(d) CrPC and discloses a prima facie case, the Magistrate's decision to treat it as such, cannot be faulted merely on technical grounds
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> 25. In the light of the authorities cited and the above discussions and observations, this Court is very conscious of the fact that the present proceedings are still at the

[5] *Bidyabharati Panda v. State of Odisha*, CRLMC No.2565 of 2023, disposed of on 03.07.2025(Orissa HC).

nascent stage of cognizance. The detailed appreciation of evidence and consideration of the petitioner's defence can only take place during trial. Therefore, this Court is reluctant to give indulgence to the petitioner at this stage. However, non-interference by this Court at this stage shall not preclude the petitioner to resort to other procedural remedy, including the remedy of seeking discharge. The petitioner is at liberty to move appropriate application before the Trial Court in this regard. If such application is preferred by the petitioner, the Trial Court shall take into consideration all the grounds urged by her in the present petition on merits without being influenced by the observation made by this Court. The court below should deal with the application while taking into consideration, material formed part of the charge-sheet, the allegation made in the protest petition, pre-summoning evidence laid by the informant and also the case diary."

5. The Petitioner filed an application under Section 205[6] of the Cr.P.C. before the learned

[6] **205. Magistrate may dispense with personal attendance of accused**.—(1) Whenever a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused and permit him to appear by his pleader.
(2) But the Magistrate inquiring into or trying the case may, in his discretion, at any stage of the proceedings, direct the personal attendance

Magistrate and, by order dated 23.06.2023, the same was rejected. Being aggrieved by such rejection, the Petitioner approached this Court in CRLMC No.2838 of 2023[7], which was disposed of along with CRLMC No.1088 of 2024[8].

By order dated 03.09.2026, the order of the learned Magistrate rejecting the prayer of the Petitioner under Section 205[6] of the Cr.P.C. was affirmed.

6. Such rejection of the Petitioner's prayer under Section 205[6] of the Cr.P.C., as noted hereinabove, was assailed before the Apex Court by filing SLP (Crl.) No.18506 of 2026[9]. By order dated 28.09.2026, while dismissing the said SLP, liberty was granted to the Petitioner to move a prayer for grant of anticipatory bail. For

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of the accused, and, if necessary, enforce such attendance in manner hereinbefore provided.

[7] *Bidyabharati Panda v. Abhiram Mohapatra, 2026 SCC OnLine Ori 12221*.

[8] *Bidyabharati Panda v. State of Odisha*, CRLMC No.1088 of 2023, disposed of on 03.09.2025(Orissa HC).

[9] *Bidyabharati Panda v. Abhiram Mohapatra,* disposed of on 28.09.2026(SC).

convenience of reference, the relevant extract of the order of the Apex Court dated 28.09.2026 is culled out hereunder:

> "1. Upon hearing learned counsel for the petitioner(s), we are not inclined to entertain these Special Leave Petition(s). Accordingly, the Special Leave Petition(s) stand dismissed, however, petitioner(s) would be at liberty to move prayer for grant of anticipatory bail."
>
> *(Emphasized)*

On the basis of such leave granted by the Apex Court, the present ABLAPL has been preferred.

7. It is the submission of the learned counsel for the Petitioner, Mr. Bishnu Prasad Pradhan, referring to the statements of the witnesses examined in the complaint case, more particularly, C.Ws.1 and 4, which are on record, that there is no specific allegation against the Petitioner and the accusation is only based on conjecture.

8. It is his further submission that during the investigation by the Crime Branch, the Petitioner was granted the benefit of Section 41-A[10] of the Cr.P.C. Hence, as there is no scope for the Petitioner to interfere with the investigation or flee from justice and since the Petitioner is a lady, keeping in view the specific provision under the proviso to sub-section (1) of Section 480[11] of the

[10] **41-A. Notice of appearance before police officer**.—(1) The police officer shall, in all cases where the arrest of a person is not required under the provisions of sub-section (1) of Section 41, issue a notice directing the person against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence, to appear before him or at such other place as may be specified in the notice.
(2) Where such a notice is issued to any person, it shall be the duty of that person to comply with the terms of the notice.
(3) Where such person complies and continues to comply with the notice, he shall not be arrested in respect of the offence referred to in the notice unless, for reasons to be recorded, the police officer is of the opinion that he ought to be arrested.
(4) Where such person, at any time, fails to comply with the terms of the notice or is unwilling to identify himself, the police officer may, subject to such orders as may have been passed by a competent court in this behalf, arrest him for the offence mentioned in the notice.

[11] **480. When bail may be taken in case of non-bailable offence**.(1) When any person accused of, or suspected of, the commission of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police station or appears or is brought before a Court other than the High Court or Court of Session, he may be released on bail, but-

(i) such person shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life;

(ii) such person shall not be so released if such offence is a cognizable offence and he had been previously convicted of an offence punishable with death, imprisonment for life or imprisonment for seven years or more, or he had been previously convicted on two or more

BNSS relating to women, which applies in equal measure while considering the grant of pre-arrest bail, it is submitted that the case of the Petitioner merits grant of pre-arrest bail.

9. There is no cavil about the proposition that, insofar as the specific provisions relating to women, which have been stated in connection with post-arrest bail, shall also apply in equal measure while considering pre-arrest bail. In view of the law laid down by the Apex Court in the case of ***Satender Kumar Antil v. Central Bureau of Investigation***[12], clarifying that all the considerations which govern the grant of post-arrest bail apply in equal measure while considering pre-arrest bail.

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occasions of a cognizable offence punishable with imprisonment for three years or more but less than seven years:

Provided that the Court may direct that a person referred to in clause (i) or clause (ii) be released on bail if such person is a child or is a woman or is sick or infirm:

[12] *Satender Kumar Antil v. Central Bureau of Investigation,* 2023 SCC OnLine SC 452.

For convenience of ready reference, the relevant extract of the said order is extracted hereunder;

> "xxx xx xxx
> .....We would like to clarify that what we have enunciated qua bail would equally apply to anticipatory bail cases. Anticipatory bail after all is one of the species of a bail.
> xxx xxx xxx"

10. Per contra, learned counsel for the State as well as the Informant oppose the prayer for anticipatory bail.

10-A. In this context, the attention of this Court is drawn to the order dated 23.10.2025 passed in ABLAPL Nos.11024 and 11083 of 2025[13] relating to the co-accused (Sangram Keshari Behera and Manmath Kumbha, respectively), whereby this Court rejected the prayer for pre-arrest bail on a detailed analysis of the materials on record.

[13] Sangram Keshari Behera v. State of Odisha, 2025 LiveLaw (Ori) 143.

10-B. It is further submitted that the said order of this Court was assailed before the Apex Court by the co-accused, Sangram Keshari Behera, by filing SLP (Crl.) No.18740 of 2025[14], which was dismissed vide order dated 28.11.2025.

Paragraph-4 of the said order is extracted hereunder for convenience of reference:-

> "As such, the present Special Leave Petition is dismissed on merits."
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> (Emphasized)

11. It is the submission of the learned counsel for the State as well as the Informant that the circumstances against the present Petitioner have been clearly stated by the Informant, that his son, the husband of the present Petitioner, was apprehending danger to his life at the instance of the Petitioner (his wife) and DFO (Sangram Keshari Behera), since the deceased came to know about

[14] Sangram Keshari Behera V. State of Odisha, SLP (Crl.) No.18740 of 2025, disposed of on 28.11.2025(SC).

inter se illicit relationship between the Petitioner and the DFO (co-accused).

12. It is submitted by the learned counsel for the Informant, Mr. Rakesh Behera that at the relevant time when the deceased suffered 95% burn injuries, the Petitioner was alone present in the house along with the deceased. It is further submitted that the plea of accidental fire was the basis on which the charge sheet was filed under Section 304-A[4] of the IPC.

Having found a prima facie case under Section 302[1] of the IPC, cognizance has been taken and such order of cognizance has withstood the scrutiny of this Court.

Therefore, it is no longer open for the learned counsel for the Petitioner to submit that the case is nothing but an offshoot of a complaint case.

13. It is his further submission that special provisions relating to women cannot have universal application, bereft of the factual matrix of each case.

Learned counsel for the State, Mr. Satyabrata Panda, ASC also echoes such stand.

14. The further common thread of submission of both learned counsel for the State and the Informant is that the present Petitioner is the principal accused and it is only because of her conduct that the son of the Informant was charred to death. As such, the plea that the Petitioner is a widow, a Government servant and, therefore, entitled to pre-arrest bail, ought not to weigh with this Court.

15. On a conspectus of the materials on record, at the cost of brevity, it has to be noted that the Petitioner is cited as an accused for inter-alia commission of the offence under Section 302[1] of

the IPC. And, the genesis of the alleged offence is stated to be the illicit relationship between the present Petitioner and the co-accused, the then DFO, whose pre-arrest bail application was rejected by this Court[13] and affirmed by the Apex Court[14].

16. There are materials on record which have been adverted to by learned counsel for the State, Mr. Panda, ASC as well as the Informant, Mr. Behera, referring to the apprehension expressed by the son of the Informant (the deceased) that he was apprehending danger to his life on account of the present Petitioner and the co-accused, Sangram Keshari Behera (DFO).

17. This Court, at this stage, does not want to record any finding regarding the import of such statement qua the present Petitioner, since the learned Court below is in seisin of the matter.

18. The order of cognizance under Section 302[1] of IPC having attained finality, in the backdrop of

materials which have been brought on record, also in the light of the rejection of the pre-arrest bail of the co-accused, more particularly the then DFO, Sangram Keshari Behera, with whom the present Petitioner is stated to have connived in perpetrating the crime, this Court does not find any distinguishing features so as to enlarge the Petitioner on pre-arrest bail. *Ubi eadem ratio, ibi idem jus*-where the reason is same, the justice is same.

Accordingly, the ABLAPL stands rejected.

19. It shall be open for the Petitioner to appear before the Court in seisin and take steps in accordance with law.

In such event, it is needless to state that the learned Court in seisin will consider the stand of the Petitioner in an independent manner, on its own merit, without being prejudiced by the

rejection of the present application for pre-arrest bail.

20. It is apt to clarify that the observation(s) made herein are only for the purpose of consideration of the prayer of the Petitioner for grant of pre-arrest bail.

(V. NARASINGH)
Judge

Orissa High Court, Cuttack,
Dated the 31.10.2026 / Ayesha
31.10.2026 / Uploaded

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