

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL Nos.9007, 9066, 9108, 9227, 9235, 9246, 9656,
9685 of 2025

(In the matter of applications Under Section 483 of BNSS, 2023)

Ramjee Prasad Gupta **Petitioners**
(In BLAPL No.9007 of 2025)
Bijaya Kumar Mishra
(In BLAPL No.9066 of 2025)
Jayanta Kumar Rout
(In BLAPL No.9108 of 2025)
Ajay Kumar Sahu
(In BLAPL No.9227 of 2025)
Dr. Nihar Ranjan Mohanty
(In BLAPL No.9235 of 2025)
Prashant Kumar Khamari
(In BLAPL No.9246 of 2025)
Sanatan Bisoi
(In BLAPL No.9656 of 2025)
Jitan Moharana
(In BLAPL No.9685 of 2025)

-versus-

State of Odisha **Opposite Party**

For Petitioner : **Mr. D.K. Das, Advocate**
(in BLAPL No.9007 of 2025)
Mr. B.P. Tripathy, Sr.
Advocate
along with Mr. P. Agrawal,
Advocate
(in BLAPL No.9066 of 2025)
Mr. S.C. Mohapatra, Sr.
Advocate
along with Mr. S. Mohapatra,
Advocate

(in BLAPL No.9108 of 2025)
Mr. B.K. Ragada, Advocate
(in BLAPL No.9227 of 2025)
Mr. D. Das, Advocate
(in BLAPL No.9235 of 2025)
Mr. D. Mund, Advocate
(in BLAPL No.9246 of 2025)
Mr. R.R. Mishra, Advocate
(in BLAPL No.9656 of 2025)
Mr. B. Jalli, Advocate
(in BLAPL No.9685 of 2025)

For Opposite Party : Mr. P. Satpathy, Addl. PP

CORAM:

JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:05.03.2026(ORAL)

G. Satapathy, J.

1. Since these eight bail applications arise out of one and same case record, the same are heard together and disposed of by this common order with the consent of the learned counsel for the parties.

2. These eight bail applications are U/S.483 of BNSS Act by the petitioners for grant of bail in connection with CID CB PS Case No.06 of 2025 corresponding to GR Case No.595 of 2025 pending in the Court of learned Addl.

Civil Judge-cum-JMFC-III (Cog. Taking), Cuttack, for commission of offences punishable U/S.303(2)/ 318(2)/ 324(3)/ 336(3)/ 337/ 338/ 49/ 238/ 112(2)/ 61(2)/ 3(5) of BNS r/w Sec.09 of Orissa Conduct of Examination Act.

3. The case again demonstrates a case of leakage of question paper which in fact took shape in the chamber of the petitioner- Dr. Nihar Ranjan Mohanty, Vice President, Board of Secondary Education (BSE) who was entrusted for smooth management of the question paper for the exam "Special Odisha Teacher Eligibility Test, 2025" (in short "OTET", 2025), but the petitioner Jitan Moharana, a temporary Data Entry Operator in active assistance with another Data Entry Operator namely Lopamudra Ray by taking advantage of the confidence of the petitioner Dr. Nihar Ranjan Mohanty surreptitiously obtained the soft copy of the question papers for OTET from the laptop of Dr. Nihar Ranjan Mohanty in a pen-drive and extracted the same to JPEG format and took out print-out of the three set of question papers on Paper-I and Paper-II and social study and

destroyed the pen-drive to cause disappearance of evidence and thereafter, supplied the question paper to one Sanjay Mishra(brother of co-accused Bijay Mishra) and in the process, the question papers were transmitted to different co-accused persons from one hand to other hand, but the leakage of question paper, however, come to the knowledge of the authority just one day before the schedule examination to be held on 20.07.2025 forcing the authority to cancel the examination.

Accordingly, an FIR was lodged before the Crime Branch which was registered vide CID CB PS Case No.06 of 2025 resulting in investigation in the course of which the role of each of the individual petitioners was unearthed and they were taken into custody and on conclusion of investigation charge-sheet was submitted and the present petitioners are put to trial after they pleaded not guilty to charge framed U/Ss.49/61(2)/112(2)/238/303(2)/318/324(3)/336(3)/337/3(5) of BNS and r/w Sec.11(1) of Public Examination Act and Sec.9 of Orissa Conduct Examination Act.

4. Heard, Mr. Dhirendra Kumar Das, learned counsel for the petitioner in BLAPL No.9007 of 2025; Mr. Bibhu Prasad Tripathy, learned Sr. counsel who is being assisted by Mr. P. Agrawal, learned counsel for the petitioner in BLAPL No.9066 of 2025; Mr. Soura Chandra Mohapatra, learned Sr. counsel, who is being assisted by Mr. S. Mohapatra, learned counsel for the petitioner in BLAPL No.9108 of 2025; Mr. Bijay Kumar Ragada, learned counsel for the petitioner in BLAPL No.9227 of 2025; Mr. Debsnan Das, learned counsel for the petitioner in BLAPL No.9235 of 2025; Mr. Dhananjay Mund, learned counsel for the petitioner in BLAPL No.9246 of 2025; Mr. Rashmi Ranjan Mishra, learned counsel for the petitioner in BLAPL No.9656 of 2025; Mr. Bharat Jalli, learned counsel for the petitioner in BLAPL No.9685 of 2025 and Mr. P. Satpathy, learned Addl. PP in these matters and perused the record.

5. After having considered the rival submissions upon perusal of record, there appears allegation against the petitioners for leaking the question paper for Special OTET

Exam for the purpose of wrongful gain in pursuance to a criminal conspiracy of all the petitioners in furtherance of their common intention, but fortunately the exam was cancelled, however, unfortunately, it affected the meritorious candidates. Leakage of question paper before the exam is of course the hardest consequence that would befall on a meritorious candidates, but accusation/allegation cannot be accepted at its face to punish an accused prior to the trial since the same is subject to proof in the trial and this is the precise reason for not to withheld bail to an accused as a pre-trial punishment, however, the present case demonstrates a situation of cancellation of examination before it could be held resulting in loss to the exchequer of the state and affecting the morals of meritorious candidates. True it is that, an allegation is always an allegation, but it cannot substitute the place of proof and unless the allegation is established in the trial in the standard of proof beyond unreasonable doubt, the allegation has to be considered at its face only to find out any prima facie case, but law is also

equally well settled that even on existence of prima facie case, a person accused of such offence can be granted bail provided the situation so demands and the accused therein has made out a case for grant of bail.

6. It cannot be forgotten that the liberty of a person is not only sacrosanct, but also the priceless possession of each individual, which cannot be considered lightly and this is the precise reason for which there are certain checks and major as provided in BNSS in the form of Sec.480(6), which provides that if, in any case triable by a Magistrate, the trial of a person accused of any non-bailable offence is not concluded within a period of sixty days from the first date fixed for taking evidence in the case, such person shall, if he is in custody during the whole of the said period, be released on bail to the satisfaction of the Magistrate, unless for reasons to be recorded in writing, the Magistrate otherwise directs. Additionally, Sec.479 of BNSS has made it more liberal than the earlier Section 436A of the Code of Criminal Procedure, by specifically granting statutory

relief to first-time offenders, where an accused person, who is a first-time offender(who has never been convicted of any offence in the past), has undergone detention during investigation, inquiry or trial for a period extending up to one-third of the maximum term of imprisonment prescribed for the alleged offence, and where such offence is not punishable with death or life imprisonment, the Court may release the accused on personal bond with or without sureties.

7. In this case, all the offences alleged against the petitioners for which they have been charged, does not prescribe punishment beyond seven years and the offences are triable by magistrate and in the meantime, two witnesses have already been examined, but 50 more witnesses cited in the charge-sheet are unlikely to be examined in near future and this Court considers that the trial Court may not be able to conclude the trial within two months hence for one of the reason that 50 more witnesses are yet to be examined. Bail should not be confused with acquittal of accused, since bail is

the transfer of custody of accused from law to a private person and therefore, bail is the rule, but jail is an exception, however, such rule has no universal application, if the offences are so serious and heinous to carve out the case under the exception. In this case, the petitioners have been detained in custody for around seven months.

8. In the aforesaid facts and discussion together with the conspectus of materials placed on record and taking into account the mode and manner of implication of the present petitioners and the exam having been cancelled and trial having already commenced with examination of the informant and one witness in the meantime and there being unlikelihood of conclusion of trial in near future, this Court without expressing any view on merit admits each of the petitioners to bail, but subject to certain conditions.

9. Hence, these eight bail applications of the Petitioners namely Ramjee Prasad Gupta in BLAPL No.9007 of 2025; Bijaya Kumar Mishra in BLAPL No.9066 of 2025; Jayanta Kumar Rout in BLAPL No.9108 of 2025; Ajay Kumar

Sahu in BLAPL No.9227 of 2025; Dr. Nihar Ranjan Mohanty in BLAPL No.9235 of 2025; Prashant Kumar Khamari in BLAPL No.9246 of 2025; Sanatan Bisoi in BLAPL No.9656 of 2025 & Jitan Moharana in BLAPL No.9685 of 2025 are allowed and each of the Petitioners are allowed to go on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) only with two solvent sureties for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it with following conditions:-

*(i) the petitioners in the course of trial shall attend the trial Court on each date of posting without fail unless their attendance is dispensed with. **In case the Petitioners fail without sufficient cause to appear in the Court in accordance with the terms of the bail, the learned trial Court may proceed against the Petitioners for offence U/S.269 of BNS, 2023 in accordance with law,***

(ii) the petitioners shall not leave the country without prior permission of the learned trial Court till disposal of the case;

The Board of Secondary Education, (BSE) Odisha, is however, directed not to assign any confidential

assignment to the petitioner-Dr. Nihar Ranjan Mohanty and other employees involved in this case.

10. Accordingly, the BLAPL Nos.9007, 9066, 9108, 9227, 9235, 9246, 9656 & 9685 of 2025 stand disposed of.

11. Issue urgent certified copy of the order as per Rules. A copy of this order be immediately transmitted to the learned trial Court and Board of Secondary Education, Odisha for compliance.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 05th day of March, 2026/Jayakrushna*