

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7602 of 2025

Arising Out of PS. Case No.-131 Year-2001 Thana- KAUWAKOL District- Nawada

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Dablu Kumar @ Dabli @ Birendra Kumar @ Gopal Prasad S/O Rajendra Prasad Resident of Station Road, Warisaliganj, P.S.- Warisliganj, District- Nawada Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.N.K. Agarwal, Sr. Advocate
: Mr.Saurav Barial, Advocate
For the Opposite Party/s : Mr.Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-03-2025 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Kauwakol (Rupau) PS case no. 131 of 2001, disclosing offences punishable under Section 307 and other allied sections of the Indian Penal Code and Sections 25(1-a-b)/26/27/35 of Arms Act.
3. The prosecution story, as per the First Information Report, is that the informant received information that two persons namely Akshat Singh and Ashok Mahto along with five others, allegedly murdered a guard, who was on duty at Nawada jail. It is alleged that the said persons are unknown extremists and they had the assistance of MCC Organization. Upon such information, the informant along with police force reached at the place of occurrence and saw a group of 15-20 armed



extremists and when the informant directed them to stop, they opened fire on the police and after that, police recovered the dead body of Akshat Singh. Thereafter, informant heard another incident of gun firing at Bhikampur village and in that incident, one extremist namely Brajesh Singh was killed in a brief encounter. In this case, there are 10 F.I.R. named accused persons.

4. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case due to suspicion and local politics, inasmuch as at the time of occurrence, the petitioner was in judicial custody. Learned counsel further submits that in Nawada Sadar PS Case No. 298 of 2001, petitioner has been convicted under Section 224 of the Indian Penal Code and he remained in custody for about four years, however the prescribed sentence is only 02 years. He also submits that co-accused persons have been granted bail by co-ordinate Benches of this Court.

5. I have heard learned counsel for the parties and perused the materials on record.

6. From perusal of the F.I.R. it is evident that the petitioner is the named accused person with allegation that he along with other co-accused opened fire on the police party and



obstructed the Government servants in discharge of their official duty. The learned Additional Sessions Judge-IV, Nawada, while refusing the prayer for anticipatory bail, has recorded that case diary clearly shows that petitioner is F.I.R. named accused and after investigation, the case has been found to be true against the petitioner along with other accused persons. The petitioner along with the co-accused persons opened fire on the police party and disturbed the police party in discharging their official duty. An attack on police team while on official duty undermines the safety and security of law enforcement agency. Incidents of mob violence against law enforcement agency have become order of the day now in this State which can be very dangerous, often escalating tensions and compromising public safety.

7. Accordingly, I am not inclined to grant the petitioner the privilege of anticipatory bail.

8. The prayer for grant of anticipatory bail to the petitioner is, accordingly, rejected.

(Anil Kumar Sinha, J)

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