

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21558 of 2022

Arising Out of PS. Case No.-405 Year-2021 Thana- BASANTPUR District- Siwan

Altamash Khan Son Of Shahid Ali Khan Resident Of Village - Sheikhpura,
P.S.- Basantpur, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 6528 of 2022

Arising Out of PS. Case No.-405 Year-2021 Thana- BASANTPUR District- Siwan

Rahimuddin Khan @ Rahmuddin Khan Son Of Late Haji Hafiz Khan R/O
Village- Khawaspur, P.S.- Lakari Nabiganj O.P. (Basantpur), District- Siwan

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/S

with

CRIMINAL MISCELLANEOUS No. 6623 of 2022

Arising Out of PS. Case No.-405 Year-2021 Thana- BASANTPUR District- Siwan

Nurul Haque Khan @ Rajan Khan Son Of Late Ishak Khan R/O Village-
Sheikhpura, P.S.- Basantpur, District- Siwan

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 10097 of 2022

Arising Out of PS. Case No.-405 Year-2021 Thana- BASANTPUR District- Siwan

Ladla Kureshi Son Of Liyakat Hussain @ Liyakat Kureshi R/O Village-
Sekhpura, P.S.- Basantpur, District- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22074 of 2022

Arising Out of PS. Case No.-405 Year-2021 Thana- BASANTPUR District- Siwan



Shahnawaj Khan Son Of Taufique Khan Resident Of Village - Sheikhpura,
P.S.- Basantpur, Distt.- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 22472 of 2022

Arising Out of PS. Case No.-405 Year-2021 Thana- BASANTPUR District- Siwan

Ibrahim Dhobi Son Of Khush Mohammad Resident Of Village - Sheikhpura,
P.S. Basantpur (Basantpur), District - Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 24866 of 2022

Arising Out of PS. Case No.-405 Year-2021 Thana- BASANTPUR District- Siwan

Yakub Khan Son Of Saleh Imam Khan Resident Of Village - Sheikhpura,
P.S.- Basantpur, Distt.- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 39864 of 2022

Arising Out of PS. Case No.-405 Year-2021 Thana- BASANTPUR District- Siwan

Tuntun Khan @ Samir @ Babu Khan Son Of Kaji Khan @ Kazim Khan R/O
Village- Shekhpura, P.S.- Basantpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 21558 of 2022)

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate
Mr.Ashok Kumar Verma, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

(In CRIMINAL MISCELLANEOUS No. 6528 of 2022)

For the Petitioner/s : Mr.Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

(In CRIMINAL MISCELLANEOUS No. 6623 of 2022)

For the Petitioner/s : Mr.Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP



(In CRIMINAL MISCELLANEOUS No. 10097 of 2022)

For the Petitioner/s : Mr.Utsav Anand, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

(In CRIMINAL MISCELLANEOUS No. 22074 of 2022)

For the Petitioner/s : Mr.Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

(In CRIMINAL MISCELLANEOUS No. 22472 of 2022)

For the Petitioner/s : Mr.Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

(In CRIMINAL MISCELLANEOUS No. 24866 of 2022)

For the Petitioner/s : Mr.Shakil Ahmad Khan, Advocate

For the Informant/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

(In CRIMINAL MISCELLANEOUS No. 39864 of 2022)

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 13-02-2023 As all the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being taken up and decided together.

Heard learned counsels for the petitioners, learned counsel for the Informant and the learned APP for the State.

Petitioners seek regular bail in connection with Basantpur P.S. Case No. 405 of 2021 registered for the offences punishable under Sections 302, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant alleged that she received an information that her husband was killed by some unknown miscreants while he had gone out with co-accused namely Altamas Khan. Further, it is alleged that due to enmity the FIR-named accused persons killed the informant's husband



and also threatened to kill the children and mother-in-law of the informant.

The main submissions advanced by the learned counsel Mr. Alok Kumar Alok for the petitioner Altamash Khan are that in the FIR there is no specific allegation against him and he has fair and clean antecedent and there was no enmity between him and the prosecution party at the time of alleged occurrence.

The main submissions advanced by the learned counsel Mr. Shakil Ahmad Khan for the petitioner Rahimuddin Khan are that the petitioner is not a co-villager of the informant and there was no reason for him to be involved in the alleged crime of murder.

In respect of petitioner Nurul Haque Khan, it is submitted by his learned counsel that in the FIR there is no specific allegation against him and he is simply alleged to be a member of the mob which involved in the alleged crime.

In respect of petitioner Shahnawaj Khan, it is submitted by his learned counsel that he takes the same ground as taken by the co-accused Nurul Haque.

In respect of petitioner Ibrahim Dhobi, it is submitted by his learned counsel that in the FIR there is no specific



allegation against him and he was simply alleged to be sitting at the tea shop where the alleged occurrence took place.

In respect of petitioner Yakub Khan, it is submitted by his learned counsel that as per the prosecution's story the accused persons involved in threatening the deceased but regarding the said allegation no criminal case was lodged and there is no eye witness who has claimed to have seen the alleged occurrence of murder.

The main submissions advanced by the learned counsel Mr. Utsav Anand for the petitioner Ladla Kureshi are that as per the prosecution's story narrated in the FIR this petitioner was alleged to have played a role of liner and there was no allegation against him to have taken the victim along with him and in the FIR there is omnibus allegation against him except the victim was allegedly lastly seen with this petitioner and there is fair and clean antecedent of the petitioner and he has been languishing in jail since 19.09.2021.

The main submissions advanced by the learned counsel Mr. Ajay Kumar Pandey for the petitioner Tuntun Khan are that in the FIR only suspicion has been raised against this petitioner and as per the FIR one person namely Shiv Shankar Yadav is stated to be an eye witness but he said nothing against



the petitioner.

Learned counsel for the Informant as well as learned APPs for the State has vehemently opposed the bail prayer of all the petitioners and submitted that the petitioner Yakub Khan and co-accused Danish Khan remained involved in a criminal case in Jammu and Kashmir and the National Investigating Agency (NIA) has taken the petitioner and the said co-accused person in custody in respect of the said case and other accused persons are notorious criminals and in the present matter the alleged occurrence was committed in a planned manner in following with an enmity running between the deceased's family and the accused persons Danish Khan and Yakub Khan.

Heard both the sides and perused the FIR and the case diary. The instant matter relates to murder crime and all the petitioners are named in the FIR and the alleged occurrence of murder of informant's husband was committed in following with a conspiracy hatched up by all the petitioners and other co-accused persons and as per the allegation, previously the brother of the deceased was murdered in which some of the petitioners and others were involved and regarding which a criminal case is running and in order to create pressure the petitioners got involved in threatening the prosecution party and finally they



murdered informant’s husband. Considering the nature of allegation appearing against the petitioners, in the opinion of this Court all the petitioners do not deserve to the privilege of bail. Accordingly, their bail prayer stands rejected.

(Shailendra Singh, J)

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