

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70579 of 2023

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

Nurul Haque Khan @ Rajan Khan Son Of Late Ishak Khan Resident of
Village - Sheikhpura, P.S. - Basantpur, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 5273 of 2024

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

Tuntun Khan @ Samir @ Babu Khan Son Of Kaji Khan @ Kazim Khan
Resident of Sekhpura, P.S.-Basantpur, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 70579 of 2023)

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the State : Mr. Tarun Prasad Mandal, APP

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

(In CRIMINAL MISCELLANEOUS No. 5273 of 2024)

For the Petitioner/s : Mr. Raghwendra Singh, Advocate

For the State : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 5 23-02-2024 1. As both the criminal miscellaneous petitions
- have arisen out of Same P.S. Case hence they are being
- decided by a common order.
2. Heard learned counsels for the petitioners, learned
- counsel for the informant and learned APPs for the State.
3. Petitioners seek regular bail in connection with



S.Tr. Case Nos. 162/2022 and 205/2022 arising out of Basantpur P.S. Case No. 405 of 2021, dated 17.09.2021 registered for the offences punishable under Sections 302, 120B read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

4. The main submissions advanced by learned counsel appearing on behalf of the petitioner **Nurul Haque Khan @ Rajan Khan** are that the petitioner earlier approached to this Court for the relief of regular bail which was rejected by this court vide order dated 13.02.2023 passed in Cr. Misc. No. 6623 of 2022 and the petitioner has come again before this Court for the same relief mainly on the ground of his custody period and privilege of bail having been granted to two co-accused persons namely, Ladla Quraishi and Shahnawaz Khan as the nature of allegation is same against this petitioner as against the said co-accused persons. Further submissions are that the petitioner has been made accused in the instant matter mainly on the basis of suspicion and there is no direct evidence against him and co-accused Ladla Quraishi who allegedly played a role of a liner in the alleged crime has been granted bail by this Bench.

5. Learned counsel appearing for the petitioner **Tuntun Khan @ Samir @ Babu Khan** submits that the



petitioner's case stands on similar footing with the co-accused person Shahnawaz Khan and is on better footing from Ladla Quraishi as he has got no criminal antecedent and he did not remain involved in Basantpur P.S. Case No. 257/2017 which relates to the murder of the brother of the deceased of the present matter and he has been languishing in jail since 02.01.2022 and his trial has been separated and charges have been framed upon him but till date no progress has been made in his trial.

6. Learned APP appearing for the State as well as learned counsel for the informant has opposed the prayer for bail of both the petitioners.

7. Heard both the sides and perused the materials available. The petitioner **Nurul Haque Khan @ Rajan Khan** is an accused in Basantpur P.S. Case No. 257/2017 registered under Sections 302, 120B of IPC and Sections 25(1-b)a, 26, 27 of the Arms Act and Sections 3 and 4 of Explosive Substance Act and is also accused in Basantpur P.S. Case No. 18/2010 registered under Sections 384, 506, 120B of IPC and both the cases relate to the victim's family members and prior to institution of the FIR of the present matter, the brother of the victim of the present matter was murdered in which the



petitioner is also an accused and facing trial in the said case, so in view of these facts the petitioner’s case does not stand on similar footing with above-mentioned co-accused persons who are on bail. This court is not inclined to accept the prayer for bail of the petitioner accordingly, his prayer for bail stands rejected.

8. So far as the prayer of the petitioner **Tuntun Khan @ Samir @ Babu Khan (in Cr. Misc. No. 5273 of 2024)** is concerned, his case appears on similar footing with co-accused persons Shahnawaz Khan and Ladla Quraishi who are on bail, this court is now inclined to accept his prayer for bail. Accordingly, let the petitioner **Tuntun Khan @ Samir @ Babu Khan** be enlarged on bail on furnishing of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with S.Tr. Case No. 205/2022 arising out of Basantpur P.S. Case No. 405 of 2021.

(Shailendra Singh, J)

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