

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15429 of 2025

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

Nurul Haque Khan @ Rajan Khan Son of Late Ishak Khan @ Ishahak Khan
Village- Shekhpura, PS- Basantpur, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Pandey, Adv. Mr. Rajesh Kumar, Adv.
For the State	:	Mr.Navin Kumar Pandey, APP
For the Informant	:	Mrs. Urmila Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 18-07-2025 Heard Mr. Ranjeet Kumar Pandey, learned counsel for the petitioner, Mr. Navin Kumar Pandey, learned APP for the State and Mrs. Urmila Kumari, learned counsel for the informant.

2. Petitioner seeks regular bail in connection with Basantpur P.S. Case No. 405/ 2021 dated 17.09.2021 registered for the offence(s) punishable under Section(s) 302, 120B read with section 34 of the IPC and under section 27 of the Arms Act.

3. The main submissions advanced by learned counsel for the petitioner are that this is the third attempt of the petitioner to get the relief of bail in the present matter and the main grounds for renewing the prayer are his long custody period, which has been about three years and nine months till date, secondly, relief of bail having been granted to co-accused,



Rahimuddin Khan @ Rahmuddin Khan by this bench vide order dated 26.03.2025 passed in Cr. Misc. No. 90235 of 2024, who is carrying similar nature of allegation, and the case of petitioner stands on better footing as against him there are only two criminal antecedents whereas against the said co-accused, there are criminal antecedents of nine cases. It is further submitted that though the trial of the petitioner had come at the stage of argument but thereafter, the prosecution filed a petition under section 311 of the Cr.P.C. and now the stage of the petitioner's case has changed and the same is running for deciding the prosecution's application filed under section 311 of the Cr.P.C. and in the light of the direction given by this court, the trial court has sent the report in which tentative period for completing the trial of the petitioner has been shown as six months. It is further submitted that several other co-accused persons, namely, Ladla Quraishi, Shahnawaz Khan, Tuntun Khan @ Samir @ Babu Khan and Altamash Khan have been granted bail by this bench vide orders passed in Cr. Misc. Nos. 60732 of 2023, 68396 of 2023, 5273 of 2024 and Cr. Misc. No. 19005 of 2024, respectively and after getting the knowledge of the FIR, the petitioner himself surrendered before the trial court within 17 days of the commission of the alleged occurrence and



he has been made accused merely on the basis of suspicion raised by the informant.

4. On the other hand, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submits that threatening is being given to the informant by someone by using the mobile phone and there is great possibility of misuse of privilege of bail by this petitioner if his prayer is considered and now the trial of the petitioner is on the verge of ending.

5. Heard both the sides and perused the relevant materials. Though, the instant matter relates to the serious offences and the petitioner has also remained involved in two more cases bearing Basantpur P.S. Case No. 257 of 2017 and Basantpur P.S. Case No. 10 of 2018 relating to the victim's family members and considering this aspect, petitioner's second attempt for relief of bail vide Cr. Misc. No. 70579 of 2023 was rejected however considering his custody period which has been about three years and nine months and several other co-accused persons have been granted bail and further, in view of the trial court's report, there is less possibility of conclusion of petitioner's trial in near future as after the completion of evidences of both the sides, the prosecution has filed a petition



under section 311 of the Cr.P.C. and the tentative period for conclusion of trial has been shown as six months by the trial court and also taking into account the fact that one co-accused, Rahimuddin Khan @ Rahmuddin Khan carrying similar nature of allegation has been granted bail by this bench, this court is now inclined to release the petitioner on bail. Accordingly, let the petitioner named-above be released on bail in connection with Basantpur P.S. Case No. 405/ 2021 on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial court.

(2) If the petitioner tampers with the evidences or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailors shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

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(Shailendra Singh, J)

