

Rahimuddin Khan @ Rahmuddin Khan vs The State Of Bihar on 26 March, 2025

Author: Shailendra Singh

Bench: Shailendra Singh

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90235 of 2024
Arising Out of PS. Case No.-405 Year-2021 Thana- BASANTPUR District

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

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Pandey, Adv.
For the State	:	Mr.Kalyan Shankar, APP
For the O.P. No.2	:	Mrs. Urmila Kumari, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 26-03-2025

Heard Mr. Ranjeet Kumar Pandey, learned counsel for the petitioner, Mr. Kalyan Shankar, 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 fourth attempt of the petitioner to get the relief of bail in the present matter and he has been languishing in jail since 18.09.2021 and four co-accused persons, namely, Ladla Quraishi, Shahnawaz Khan, Tuntun Khan @ Samir @ Babu Khan and Altamash Khan are enjoying Patna High Court CR. MISC. No.90235 of 2024(6) dt.26-03-2025 privilege of bail granted by this court vide orders passed in Cr. Misc. Nos. 60732 of 2023, 68396 of 2023, 5273 of 2024 and in Cr. Misc. No. 19005 of 2024 respectively and if we take into account the nature of allegation then it appears that case of this petitioner completely stands on similar footing as that of co- accused, Shahnawaz Khan and Tuntun Khan @ Samir @ Babu Khan, the informant alleged in her FIR that her husband's brother had been

murdered prior to the alleged occurrence regarding which there was another case in which as per the allegation, pressure was being made upon the prosecution party to compromise that case but the said allegation has been made against two co-accused, namely, Danish Khan and Yakub Khan and in that matter, the petitioner was not made accused in the FIR and was made accused about three months later after registration of the FIR. It is further submitted that in fact, the deceased was a realtor involved in real estate business and some persons made extortion demand from him on 20.09.2020 which shows that there was enmity between the deceased and the said persons but the petitioner was not alleged to be involved in the extortion matter and perhaps on account of the deceased's enmity with the said persons, he might have been murdered by someone. The informant is admittedly not an eye witness of the Patna High Court CR. MISC. No.90235 of 2024(6) dt.26-03-2025 occurrence and she simply raised suspicion in the FIR and in the 3rd attempt for bail, this court directed the trial court to conclude the trial of the petitioner in the next three months from the date of that order and thereafter, the petitioner was shifted to Buxar jail in which the petitioner had no role and that act was on the part of the Jail authorities and in the present time, his statement under section 313 of the Cr.P.C has been recorded and the case is running for defence evidence and there are several accused persons, including the petitioner, so, there may be some delay in the end of the trial of the petitioner on account of defence evidences which are to be given by the accused persons, including the petitioner, though, against the petitioner there are criminal antecedents of nine cases but he has been acquitted in three cases and the petitioner is ready to give his undertaking to remain present before the trial court on each and every date and if he misuses the said undertaking then his bail bond may be cancelled immediately.

4. On the other hand, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submits that in actual, the petitioner is leader of the gang involving all the accused persons and there is great chance of misuse of the privilege of bail if the same is granted Patna High Court CR. MISC. No.90235 of 2024(6) dt.26-03-2025 to him at this stage and in the present time, the trial court is not vacant and a further period of three months may be fixed for the trial court to conclude the trial of the petitioner and it depends upon the accused persons, including the petitioner, to cooperate in the trial by adducing their defence evidence. It is further submitted that two accused persons, Yakub Khan and Danish Khan, who are members of the petitioner's gang, have remained involved in a criminal case in Jammu & Kashmir and in that case, some of the accused persons were taken into custody by the National Investigating Agency (NIA), which shows the petitioner's criminal background and further, he has criminal antecedents of nine cases though he has been acquitted in three cases, as per submission made by the petitioner's counsel but still there are six cases against him in addition to the present matter.

5. In the facts and circumstances of the case as well as taking into account the submissions made by the petitioner's counsel and mainly the custody period of the petitioner which has been about three years and six months, though, his trial is at the stage of defence evidence but there are several accused persons and there may be delay in completing the defence evidence and there is no question of tampering with the Patna High Court CR. MISC. No.90235 of 2024(6) dt.26-03-2025 prosecution evidence as the same has been completed and coupled with the fact that in the last rejection order, the trial court was directed to make all possible endeavours to conclude the petitioner's trial in the next three months from the date of that order and thereafter, seven months period has elapsed and

the trial is still pending, in my opinion, in such circumstances as well as in view of the aforesaid grounds of petitioner, now he deserves to the privilege of 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:-

(i) The petitioner shall file his affidavit before the trial court at the time of execution of bail bond giving his undertaking to appear in person on each and every date till the conclusion of the trial and if he remains absent at any date then the trial court shall cancel his bail bond.

(ii) If the petitioner misuses the said privilege of bail in any manner then the trial court shall also cancel his bail bond.

(iii) Both the bailors shall be close relative of the petitioner and in the case of misuse of privilege of bail by Patna High Court CR. MISC. No.90235 of 2024(6) dt.26-03-2025 petitioner the trial court shall take legal action against the bailors as per the provision of B.N.S.S.

6. It is expected from the trial court to conclude the trial at the earliest preferably in the next three months and take serious action against the accused persons if they or any of them does not co-operate in the conclusion of trial and send the progress report of trial to this court after three months.

(7) Let the order's copy be sent to S.P., Siwan who will ensure the security and protection of the prosecution party (informant and prosecution's witnesses) till the end of the trial and keep watch over the conduct of the petitioner to prevent any possibility of misuse of the privilege of bail by him.

(Shailendra Singh, J) BKS/-

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