

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29962 of 2021

Arising Out of PS. Case No.-511 Year-2020 Thana- LAHERIYASARAI District- Darbhanga

1. S.M. TAHIR @ LADDU @ S.M. TAHIR HASSAN S/O Bali Hasan Resident of Mohalla - Naya Tola Bhigo, P.S. - Laheriasarai, District - Darbhanga.
2. TARIK HASAN @ TARIQUE HASAN S/O S.M. Tahir @ Laddu @ S.M. Tahir Hassan Resident of Mohalla - Naya Tola Bhigo, P.S. - Laheriasarai, District - Darbhanga.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Bhaskar Shankar, Advocate.
For the State	:	Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 17-09-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 31.05.2021/ 01.06.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that petitioner no.1, namely, S.M. Tahir @ Laddu @ S.M. Tahir Hassan, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.1, namely, S.M. Tahir @ Laddu @ S.M. Tahir Hassan, for granting him the privilege

of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.1, namely, S.M. Tahir @ Laddu @ S.M. Tahir Hassan.

Permission is accorded.

This application, in respect of the petitioner no.1, namely, S.M. Tahir @ Laddu @ S.M. Tahir Hassan, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.2, namely, Tarik Hasan @ Tarique Hasan, for granting him the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner no.2, namely, Tarik Hasan @ Tarique Hasan, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner petitioner no.2, namely, Tarik Hasan @ Tarique Hasan, apprehends his arrest in connection with Laheriasarai P.S. Case No.511 of 2020 registered under Sections 304/34 of the Indian Penal Code.

The accusation is that Sakeena Khatoon, the sister-in-law of the informant Md. Baban, who was in pregnant stage, became ill, due to which Khairun Nisa, the mother-in-law of Sakeena Khatoon, to take Sakeena Khatoon to see the doctor, started searching Tempoo. At that time, S.M. Tahir @ Laddu

and his son Tarik Hasan (petitioner no.2) reached there and gave assurance to the mother-in-law of Sakeena Khatoon to provide treatment to Sakeena Khatoon and they started the treatment of Sakeena Khatton. Sakeena Khatoon was treated by them for about three hours but, thereafter, her condition became serious due to huge bleeding. Thereafter, both fled away from there. Thereafter, the informant and others took to Sakeena Khatoon for treatment at Darbhanga Hospital but after sometime, she died.

Learned counsel for the petitioner no.2, namely, Tarik Hasan @ Tarique Hasan, submits that, in fact, the petitioner no.2, namely, Tarik Hasan @ Tarique Hasan, is the son of S.M. Tahir @ Laddu @ S.M. Tahir Hassan, who used to do medical practice, due to that reason the petitioner no.2, namely, Tarik Hasan @ Tarique Hasan, has falsely been implicated in this case. The petitioner no.2, namely, Tarik Hasan @ Tarique Hasan, has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner no.2, namely, Tarik Hasan @ Tarique Hasan, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties

of the like amount each to the satisfaction of the Chief Judicial Magistrate, Darbhanga, in connection with Laheriasarai P.S. Case No.511 of 2020 , subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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