

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56720 of 2021**

Arising Out of PS. Case No.-12 Year-2016 Thana- MAHILA PS District- Gaya

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MD. NEYAZ, Son of Md. Shoaib @ Shibu Resident of Mohalla - Dargah  
Road, Karbala, P.S.- Sultanganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rajesh Kumar  
For the Opposite Party/s : Mr.Atul Chandra, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

3      09-02-2022                      Heard Mr. Rama Kant Sharma, learned senior Advocate for the petitioner and Mr. Sajid Salim Khan, learned counsel for the informant. The State is represented by learned APP.

The petitioner has renewed his prayer for bail in Sessions Trial No. 41 of 2021 / 17 of 2021, arising out of Gaya Mahila P. S. Case No. 12 of 2016.

The prayer for bail of the petitioner was earlier rejected four times on 09.01.2018, 20.06.2018, 26.06.2019 and 09.09.2020.

On the last occasion, while disposing of Cr. Misc. No. 20850 of 2020, this Court, taking into

account that the trial of the petitioner had not proceeded despite his remaining in custody for a long time because of the other accused persons not surrendering before the process of law, had directed the trial court to split the trial of the petitioner from other accused persons and commence with the trial of the petitioner at the earliest. The trial court was directed to conclude the trial within a period of one year, to be counted from the date of disposal of the afore-noted application.

Mr. Sharma, learned senior Advocate of the petitioner has submitted that one year time has long lapsed but the trial has still not been concluded.

This Court had called for a report from the court below about the status of the trial by order dated 15.12.2021.

The report dated 5<sup>th</sup> of January, 2022 is on record, which indicates that out of the seven charge-sheeted witnesses, four have already been examined and the last date fixed in this case was

6<sup>th</sup> of January, 2022 for examination of the 5<sup>th</sup> prosecution witness.

Mr. Sajid Salim Khan, learned Advocate for the informant, however, has pointed out that the petitioner is an accused of a very serious case in which he is not only alleged to have ravished the victim but is also stated to have filmed the act and displayed it on social media. One of the accomplices of the petitioner in this case was his own sister.

Be that as it may, considering the period of custody of the petitioner and the present stage of trial, this Court directs that the trial be positively concluded within a period of four months from today.

Any failure of the trial court to do so would entitle the petitioner to approach the trial court for grant of bail and in that event, the court below shall be under an obligation to record the reasons for not concluding the trial within the aforesaid period.

The petition stands disposed off

accordingly.

(Ashutosh Kumar, J)

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