

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 65611 of 2022

Arising Out of PS. Case No.-361 Year-2017 Thana- PIRBAHOR District- Patna

MD. IRSHAD SON OF MD. JAVED @ JAVED KHAN R/O MOHALLA-
NEAR SHAHGANJ CHAURAH, SULTANGANJ, P.S.- SULTANGANJ,
DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Advocate

For the Opposite Party/s : Ms. Anita Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 376 and 377 of the Indian Penal Code and Sections 4 and 8 of POCSO Act.

Learned counsel for the petitioner submits that this is the fourth attempt of the petitioner to seek bail as earlier his bail applications were rejected by Annexure-1 Series. Learned counsel further submits that by Order Dated 07.12.2021, the petitioner was given liberty to renew his prayer for bail, in the event, if the trial is not completed within 9 months. Learned counsel next submits that petitioner has remained in custody for more than 5 years but out of six witnesses only two witnesses



have been cross examined.

Learned A.P.P. for the State submits that petitioner cannot take advantage of his own fault, cross-examination was the duty of the learned counsel appearing on behalf of the petitioner in the learned trial Court so if there is any delay in cross-examination that is attributable to the petitioner own.

Considering the submission made by the learned A.P.P. the Court is not inclined to release the petitioner on bail, however, the learned trial Court is directed to complete the trial within six months from the date receipt production of a copy of this order.

In the event, if the trial is not completed within six months then the petitioner will be at liberty to file his bail application before the learned trial Court itself and if the learned trial Court comes to a conclusion that for no fault of the petitioner the trial could not be completed within the time aforesaid, he shall be released on bail.

(Satyavrat Verma, J)

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