

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55654 of 2023

Arising Out of PS. Case No.-98 Year-2021 Thana- BRAHMPURA District- Muzaffarpur

SHAKIB NEYAZ @ SHAQUIB NEYAZ S/O SHAKIL AHMAD R/O
VILLAGE- BRAHAMPURA, MEHDI HASAN CHOWK, P.S-
BRAHAMPURA, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

1. The State of Bihar
2. MD. ANJAAR S/O LATE RAHEMTULLA R/O VILLAGE-
DAMODARPUR, P.S- KANTI, DISTT.- MUZAFFARPUR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 10-11-2023 1. Heard learned Senior Counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 366(A) and 120(B) of the Indian
Penal Code as well as Sections 4, 8 and 12 of the POCSO Act.
3. This is the second attempt of the petitioner to seek bail
as earlier his bail application was rejected by order dated 10.02.2022
in Cr. Misc. No. 52944 of 2021.
4. A report was called from the learned trial court by
order dated 08.09.2023 with regard to the stage of the trial.
5. Report of the learned trial court has been received
contained in letter no. 1389 of 2023, dated 18.10.2023 wherein it is
recorded that out of six charge-sheet witnesses, five have been
examined and the next date fixed is 31.10.2023 for prosecution



evidence.

6. Learned Senior Counsel for the petitioner submits that no doubt, five charge-sheet witnesses have been examined but one of the witnesses, who has not been examined, is not appearing in the Court.

7. Since the report dated 18.10.2023 records that out of six charge-sheet witnesses, five have been examined, as such, the Court is not inclined to release the petitioner on bail.

8. Accordingly, the prayer for bail is refused.

9. However, it is made clear that the learned trial court shall take all steps in order to ensure that the trial is concluded within a period of three months from the date of receipt/production of a copy of this order. In the event, if the trial is not concluded within three months from the date of receipt/production of a copy of this order in that event the petitioner would be entitled to file an application seeking bail from the learned trial court itself and if the learned trial court comes to a conclusion that for no fault of the petitioner the trial was delayed, he shall be released on bail.

(Satyavrat Verma, J)

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