

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28928 of 2023**

Arising Out of PS. Case No.-385 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

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MURLIDHAR CHOUDHARY @ MURLI CHOUDHARY @ MURLIDHER  
CHOUDHARY Son of Late Kailash Choudhary Resident of village-  
Masudanpur, P.S.-Baliya, District-Begusarai allegedly shown as resident of  
Mirzapur Banduar, P.S.-Nagar (Begusarai), District-Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Girijish Kumar, Adv.  
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      24-07-2023                      Heard learned counsel for the petitioner and  
  
learned A.P.P. for the State.

The petitioner seeks bail in connection with  
  
Begusarai Town P.S. Case No. 385 of 2019 registered for the  
  
offence under Sections 302 of the Indian Penal Code but  
  
after investigation charge-sheet has been submitted under  
  
Section 302 of the Indian Penal Code.

As per the F.I.R., the informant alleged that her  
  
husband was being tormented by his own family members  
  
ever since she solemnized marriage with his against the  
  
wishes of his family members. The allegation is of continued  
  
mistreatment since the year 2015 and on 25.06.2019, it is  
  
alleged that there was some dispute between the parties



over sharing of ancestral property, whereafter the family members of her husband have driven the husband to sprinkle petrol on himself and ignite himself on fire, leading to burn injuries, whereafter he has been taken to Alaxia Hospital and from there, referred for further treatment. When she has returned on 30.06.2019 to take money for his treatment, then it is alleged that the victim's mother has not allowed her to enter the house.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner happens to be father-in-law of the deceased. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that on bare perusal of the F.I.R., it appears that the no specific allegation of assault or any overt act is attributed to the petitioner. Moreover, co-accused, Girish Devi, who happens to be mother-in-law of the deceased having more or less similar allegation has already been granted bail by a co-ordinate Bench of this Court vide order dated 06.02.2023 passed in Cr. Misc. No. 17939 of 2022. He further submits that the police after



investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 20.11.2019.

A report with regard to present stage of the trial has been called for by this Court vide order dated 25.05.2023 which has been received and forms part of this application at Flag-B dated 13.07.2023. On perusal thereof, it would reveal that charge has been framed against the petitioner on 21.09.2021 and out of seven charge sheet witnesses, five witnesses have been examined, cross examined and two are yet to be examined.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 21.09.2021.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material available on the record against the petitioner suggesting his involvement in the alleged occurrence. He further submits that the received from the



trial court suggest that the there is substantial progress in the trial of the case and the same is likely to be concluded soon. He further submits that the petitioner is having one more criminal antecedent other than the present one.

Considering the facts and circumstances of the case and the present stage of the trial as reported by the trial court, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

However, learned trial court is directed to expedite the trial and try to conclude it at the earliest.

**(Rajesh Kumar Verma, J)**

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