

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23687 of 2019

Arising Out of PS. Case No.-179 Year-2019 Thana- DANAPUR District- Patna

ABHISHEK UTSAV, Male, aged about 32 years, Son of Shri Nabav Rai @ Nabav Singh Resident of Village - Tarachak, Mubarakpur,P.S.- Danapur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Jitendra Kumar, Advocate.

For the Opposite Party : Mr.Amarendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-04-2019 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.

The petitioner is languishing in custody since 04.03.2019 in a case for the offence registered under Sections 341, 323, 498(A) and 504 of the IPC, 37(b)(c) of the Bihar Prohibition and Excise Act, 2016

The prosecution story, in brief, is that the petitioner Abhishek Utsav is the husband of the informant, Priyanka Sinha, while co-accused Nabav Rai @ Nabav Singh is the father, co-accused Satyawati Devi is mother and co-accused Amit Kumar @ Amit Yadav is the full brother of the petitioner. The marriage of the informant was solemnized with the petitioner on 21.02.2016 in accordance with the Hindu rites and



on that occasion, her mother had given a piece of land standing in her name as marriage gift. Shortly after the marriage, the accused persons started pressurizing the informant to give that piece of land to the family and ultimately pressurized her to execute a sale deed in favour of her mother-in-law Satyawati Devi in regard to said land in the month of September, 2018. On 03.03.2019 at about 7.00 P.M., the informant's husband returned home under inebriated state and started beating the informant. The informant then informed her brother on phone. Thereafter, police arrived and rescued the informant. The informant's father had died long ago and taking advantage of the same, the accused persons used to torture her.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case due to petty family dispute. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is the husband of the victim. There is no injury report in respect of allegation of assault. In drunken state, the petitioner is said to have assaulted the informant. Due to petty reason, the alleged occurrence has taken place. The case is triable by the Magistrate. The petitioner has further relied upon



the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the learned counsels for the State and informant, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna, in connection with Danapur P.S. Case No. 179 of 2019, corresponding to Special Case No. 2349 of 2019.

(Sudhir Singh, J)

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