

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58308 of 2021**

Arising Out of PS. Case No.-41 Year-2021 Thana- PHULWARIYA District- Gopalganj

Digvijay Singh @ Digvijay Rai Son of Prabhunath Singh Resident of Village-
Rajpur Khap, Banwa Tola,, P.S.- Phulwariya, District- Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

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

7 06-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 302, 201,
34 and 120(B) of the Indian Penal Code.

According to the prosecution case, a phone call was
received by the informant which was of her husband stating that
the accused and some other persons held him hostage and he
might be murdered. And on the next day, his dead-body was
found in the canal.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the deceased had taken loan from the petitioner. He further submits that the deceased had committed suicide by himself as he has taken loan from different persons including the family members of the petitioner. He further submits that it appears from the postmortem report that the deceased was found with froth/foam coming out of his mouth and the cause of the death has been stated as death due to poison and there are no external injuries found on the body of the deceased. He further submits that it appears that the deceased ended his life by eating poison but the informant has falsely implicated the petitioner in the present case. He further submits that there is no eye witness of the alleged occurrence. He further submits that only on the basis of suspicion, the name of the petitioner has falsely been implicated in the present case.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioner on the basis of the material available on record as well as in the case diary and submits that in paragraph 7 it has come that the petitioner was involved in the present occurrence but no cogent material has come during investigation against the petitioner except the



statement of the co-accused person and fairly submits that there is no eye witness of the alleged occurrence. He further submits that the viscera was preserved and sent to F.S.L.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Phulwariya P.S. Case No. 41 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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