

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5924 of 2023**

Arising Out of PS. Case No.-422 Year-2022 Thana- BAHERA District- Darbhanga

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MOHAN GARERI @ MOHAN RAUT Son of Late Musharu Gareri Resident  
of Village- Benipur, Ward No.-22, P.S.- Baheri, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Amrit Abhijat

For the Opposite Party/s : Mr.Dilip Kumar No. 1

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

3      03-05-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has prayed for regular bail in a case  
instituted for the offence under Sections 302, 328 and 34 of the  
Indian Penal Code and charge sheet has been submitted under  
Sections 306, 328 and 34 of the IPC.

The allegation against the petitioner along with others  
is of killing the husband of the informant by assaulting and  
administering poison. It is further alleged that the accused  
persons want to grab his land.

It is submitted by learned counsel for the petitioner  
that petitioner has been falsely implicated in this case. He has  
committed no offence. Petitioner is an old person, who is aged  
about 77 years. There is general and omnibus allegation against



the petitioner. The allegation against all accused persons including petitioner is that they assaulted the informant's husband but from the perusal of the Postmortem report, it reveals that no any external injury was found on the body of the deceased, which does not corroborate the prosecution case. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 22.09.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as petitioner is an old person, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Benipur, Darbhanga in connection with Bahera P.S. Case No. 422 of 2022.

**(Sunil Kumar Panwar, J)**

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