

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No 1355 of 2021**

Arising Out of PS. Case No.-23 Year-2019 Thana- PIRO District- Bhojpur

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TENGAR MUSHAR S/O LATE RAM BILAS MUSHAR R/O VILLAGE-  
TILATH MUSHAR TOLI, P.S.-PIRO DISTRICT-BHOJPUR

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr Shiv Prasad Gupta, Advocate  
For the Respondent/s : Mr Binay Krishna, Special PP

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL JUDGMENT**

**Date : 08-04-2021**

This case has been taken up for consideration today through Video Conferencing.

Heard learned counsel for the appellant and the learned Special PP for the State.

2 The appellant has preferred the present Appeal under Section 14 A (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity, *SC/ST Act*) against the refusal of his prayer for regular bail vide order dated 13.01.2021 passed by Additional Sessions Judge I, Bhojpur at Ara in a case registered under Sections 302/34, 504, 506 of Indian Penal Code, Section 27 of Arms Act and Sections 3 (i) (r) (s), 3 (2) (va) of SC/ST Act in connection with Piro Police Station (for brevity, *PS*) Case No 23 of 2019.



**3** Allegation in the First Information Report (for brevity, *FIR*) is of causing death of the informant's husband by firing upon his chest. Specific gunshot injury is attributed against co-accused Balsar Rai.

**4** Appellant's counsel submits that the appellant bears a clean antecedent. He is a neighbour of the victim and informant, as would be apparent from the *FIR* itself. He has been named on extraneous considerations. After narration of the entire incident, at the end of the *FIR*, on the allegation that he too has exhorted the main assailant. Under such circumstances, the appellant is in custody since 30.08.2019.

**5** Learned Special PP for the State has opposed the prayer for bail.

**6** In my opinion, a case for grant of regular bail is made out. The impugned order dated 13.01.2021 requires interference by this Court, which is, accordingly, set aside.

**7** Considering the rival submissions, this appeal is allowed. The impugned order dated 13.01.2021 passed by Additional Sessions Judge I, Bhojpur at Ara in connection with Piro PS Case No 23 of 2019 is set aside.

**8** Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of Additional Sessions Judge I, Bhojpur at Ara in Piro PS Case No 23 of 2019 subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(2) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

**(Madhuresh Prasad, J)**

**M.E.H./-**

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