

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3463 of 2025

Arising Out of PS. Case No.-454 Year-2024 Thana- BODHGAYA District- Gaya

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Zaidi Azmi @ Tillu Khan Son of Faiyaz Khan Resident of Village- Hathiyar,
P.S.- Bodhgaya, District- Gaya,

... .. Appellant/s

Versus

1. The State of Bihar
2. Awadhesh Kumar son of Raju choudhary Resident of Village- Hathiyar,
Ward no. 32, P.S.- Bodhgaya, District- Gaya,

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-02-2026 Heard the parties.

2. This appeal has been filed for setting aside the order dated 03.07.2025 passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with Bodhgaya P.S. Case No. 454 of 2024 registered for the offence punishable under sections 191(2), 190, 126(2), 115(2), 118(1) and 109 of the BNS and Sections 3(i)(r)(s) and 3(2)(va) of the SC/ST (POA) Act whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution story, the informant alleged that as he was returning after attending the nature's call, the accused persons armed variously came and allegation is that



Khaje Hassan gave sword blow on the head causing injury whereafter other accused including the appellant resorted to assault. He was shifted to Bodh Gaya Primary Health Center which followed the FIR.

4. Learned counsel for the appellant submits that no caste abuse has been recorded in the FIR, main allegation is against Khaje Hassan, only to implicate others, names and assault theory has been given. The injuries have been found to be simple in nature and the appellant has no criminal antecedent. The further submission is that similar situation Adil Hassan has been granted relief in Cr. Appeal (SJ) No. 1067 of 2025 (Annexure P/2) and cognizance has not been taken in the matter.

5. Learned Spl.P.P. opposes the prayer submitting that though omnibus in nature, allegation of assault is against all the accused persons.

6. Considering the aforesaid submissions of the parties as also that the caste abuse has not been recorded in the present matter, he has no criminal antecedent and the similar situated co-accused person has been granted relief, as stated above, in that background, this Court is inclined to extend him the privilege of anticipatory bail.



7. The impugned order dated order dated 03.07.2025 passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with Bodhgaya P.S. Case No. 454 of 2024 stands set aside and the appeal is allowed.

8. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in connection with Bodhgaya P.S. Case No. 454 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the appellant who shall provide official document to show his/her bona fide;

(ii) the appellant shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the appellant shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iv) the appellant shall appear before the concerned police station every month for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(v) the appellant shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the appellant shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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