

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17417 of 2026

Arising Out of PS. Case No.-22 Year-2023 Thana- LUTUA District- Gaya

Surendra Yadav @ Surendra Kumar @ Kuhur, Son of Kishori Yadav, R/o
Vill.- Asurain, P.S.- Lutua, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Adv.

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 08-05-2026 Heard learned counsel for the petitioner, learned
A.P.P for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Lutua PS Case No. 22 of 2023 dated 26.12.2023 instituted for the offence punishable under Section 341, 323, 364A, 385,387, 504, 506, 120(B) of the Indian Penal Code and Sections 25((1-B)a of the Arms Act and Sections 10, 11 and 13 of the UAP Act, 1967.

3. The prosecution case, in short, is that on the alleged date of occurrence three militants took away three employees of the construction company from the work place and brought them to the forests. Later on, two of them were released after assaulting them and they were asked to convey the owner of the construction company to pay 5% of construction amount or 30 lakhs failing which they will kill the another employee, who



was in the captivity of the militants. It is also alleged that earlier co-accused, Ranjit Singh Bhokta, had come at the work place and demanded the contact number of the contractor and co-accused, Ranjit Yadav, told them to manage the matter with Jungle King, namely, Vivek Yadav. About the petitioner, it is alleged that he also used to come at the work place.

4. Earlier, *vide* order dated 26.07.2024 and 25.04.2025 passed in Criminal Miscellaneous No. 40361 of 2024 and Criminal Miscellaneous No. 5720 of 2025 respectively, the petitioner's bail application was rejected.

5. This is third attempt for grant of regular bail application to the petitioner.

6. *Vide* order dated 18.03.2026, a report about the present stage of trial was called for from the concerned Court, which is on record. In the report, the learned District & Additional Sessions Judge-III, Sherghati (Gaya ji) has submitted that total charge-sheet witnesses is four and till date prosecution has produced only one witness for examination before the concerned court as PW-1 Arjun Yadav, who was examined on 11.09.2025.

7. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. It is submitted that till date only two prosecution witnesses have been examined out of four charge-sheet witnesses. It is submitted that the militants took away three employees of the construction company from the work place and were taken to the forests. Later on, two out of them were released after assaulting and they were asked to convey the owner of the construction company to pay 5% of construction amount or 30 lakhs failing which they will kill the another employee, who was in the captivity of the militants. It is further submitted that three employees of construction company were released later on. It is submitted that one of the kidnapped employee has been examined as prosecution witness no. 1, namely, Arjun Yadav, who denied the allegation against the petitioner and clearly stated that the petitioner was not present when they were kidnapped and brought to forests and also stated that the said petitioner is resident of same village of P.W.-1. Learned counsel for the petitioner submits that the informant (Shailendra Singh) has also been examined in this case but stated nothing against the petitioner about the entire allegation. Lastly, it has been submitted that the petitioner is in custody since 05.01.2024 i.e. more than 2 years 4 months, having four criminal cases against him and charge-sheet has been submitted in the case.



8. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Sherghati, Gayaji in connection with Lutua P.S. Case No. 22 of 2023, subject to the 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

5. The petitioner within two weeks of his release from custody shall appear before the S.H.O. of his local area alongwith a copy of this order and shall appear every fortnightly to mark his attendance till conclusion of the trial.

(Khatim Reza, J)

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