

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49254 of 2019

Arising Out of PS. Case No.-246 Year-2018 Thana- JOGBANI District- Araria

Hassan Hassan @ Hassan @ Huss, aged about 27 years, son of Md. Aamin, resident of Village- Kunchibonga, P.S.- Tomburu, District- Mangadaw (Rakhin Myanmar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India
3. Ministry of External Affairs through its Secretary, Union of India
4. Ministry of Home through its Secretary, Union of India

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana
For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

13 23-06-2021 The matter has been heard via video conferencing.

It is a matter which relates to deportation of a refugee to the other country. The petitioner is a refugee and his release was not ensured despite order passed in Sessions Trial No. 337 of 2018. As evident from the order-sheet of this case that on different dates when the matter was heard at length and after much indulgence, the Union of India, particularly, Ministry of External Affairs have clarified that there is no difficulty on the



part of the Union of India in release of this petitioner in connection with Sessions Trial No. 337 of 2018, arising out of Jogbani P.S. Case No. 246 of 2018. The only difficulty for release of this petitioner is that neither he is citizen of Nepal nor his citizenship is being recognized by the Myanmar(Burma).

On 26.02.2021, second supplementary affidavit has been filed on behalf of the petitioner duly affirmed by the cousin brother of the petitioner. The second supplementary affidavit indicates that petitioner and his sister has been recognized by the United Nations High Commissioner for Refugees, Kathmandu, Nepal as Refugees. It is further stated in the second supplementary affidavit that sister of the petitioner has no citizenship either of Nepal or India, as such, she cannot come India to swear affidavit or takeover her brother, but she is ready to takeover/receive the petitioner in Nepal territory near India-Nepal border.

Considering the aforesaid, the present



application is disposed off with a direction to the District Magistrate, Araria to ensure handing over of this petitioner to his sister at India-Nepal border for his deportation as indicated hereinabove the petitioner and his sister has been recognized by the United Nations High Commissioner for Refugees, Kathmandu, Nepal as Refugee after completing all the necessary formalities required in this regard. Necessary formalities must be completed within a period of one month from the date of receipt/production of a copy of this order.

The office is directed to forward the entire order-sheet of this case to the District Magistrate, Araria for the needful.

With the aforesaid, the application stands disposed off.

(Anil Kumar Upadhyay, J)

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