

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41839 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- BIRPUR District- Supaul

Sunil Kumar Mehta, Son of Ramdeo Mehta Resident of Village - Piprah,
Ward No.3, P.s.- Ratanpura, Distt.- Supaul (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Birpur
(Bhimnagar O.P.) P.S. Case No. 98 of 2022 registered for the
offences punishable under Sections 365, 370, 370(A), 120(B) of
the Indian Penal Code and Sections 14A(a),(b) and 14C of the
Foreigners Act, 1946.

As per the prosecution, acting upon the secret
information the informant apprehended two Indian citizens
along with two women (citizens of Uzbekistan) who were being
brought to India from Nepal by the two apprehended Indian



citizens on their motorcycles. Upon making inquiry from one of the apprehended persons namely Satish Kumar Azad, he disclosed that on the order of one Indal Mukhiya he was doing the alleged act and for doing the same he would get Rs.7000/-. Further it is alleged that the women were being taken to New Delhi with this petitioner and his associate Satish Kumar and later they were apprehended by the SSB Jawanas at a check post near the Indian border.

The main submissions advanced by the learned counsel Mr. Nishant Kumar Sinha for the petitioner are that as per the prosecution's allegation the petitioner indulged in trafficking of two foreign nationals into India at the persuasion of co-accused Satish Kumar Azad who persuaded the petitioner to help the said foreign nationals to enter into the territory of India with an allurements of Rs.3000/- which was to be given to the petitioner by the said co-accused Satish Kumar Azad and except this there is no any other allegation and the alleged offences of IPC mentioned in the FIR are not made out against the petitioner and alleged offences which are punishable under Sections 14A(a)(b) and 14C of the Foreigners Act, 1946 are punishable with two years maximum imprisonment and the petitioner has been languishing in jail since 13.04.2022.



Learned APP Mr. Abhay Kumar Roy appearing for the State has opposed the bail prayer.

In view of above submissions and mainly considering the petitioner's clean antecedent mentioned in paragraph No. 3 of his petition and also the fact that the instant matter relates to Foreigners Act and allegedly two foreign nationals attempted to enter into territory of India and at the time of apprehending both the said foreign nationals had Visas valid in Nepal country and it is an admitted position that between Nepal and India there is an open border and also considering the petitioner's custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Birpur (Bhimnagar O.P.) P.S. Case No. 98 of 2022 on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the



Court below.

(2) 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take strict action against him for cancellation of his bail bond.

(5) The petitioner shall not leave India without permission of the Court concerned during trial and shall deposit his passport if he has, in the Court below, which will be returned him after the trial.

(Shailendra Singh, J.)

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