

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12326 of 2025

Arising Out of PS. Case No.-273 Year-2024 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Babu Joy Barua @ Rajib Dhar S/O Pritosh Barua Resident of Village -
Mahuripara, Po and P.S- Ukhia, District- Cox's Bazar, Bangladesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parth Sarthy, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Magadh Medical P.S. Case No. 273 of 2024, registered for the offences under Sections 318(4), 336(3), 340(2) of the BNS and Section 12 of Passport Act.

3. As per the prosecution case, the petitioner was apprehended while traveling on an Indian Passport though he is a Bangladeshi national already having a Bangladeshi Passport bearing No. AD9966432.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is a victim of circumstances and possession of Indian passport was not with any criminal intent. Learned counsel further submits that the petitioner is a Buddhist monk and was having his place of



residence as Cox's Bazar district in Bangladesh where communal violence erupted and over 200 temples, Buddhist monasteries, and homes were set ablaze, looted and desecrated in a premeditated, barbaric rampage. The petitioner and other survivors fled from their native place and came to India. In this massacre the father of the petitioner was killed. The petitioner legally entered into India in 2014 seeking refugee status and sought for citizenship of this country. He was made to believe that a passport would end his misery and plight and he came into contact with some agent who provided him with the passport in the year 2014. The petitioner has taken a vow of celibacy and his intention in obtaining the Indian document is not for any fraudulent or disruptive purpose but for exercising his peaceful religious beliefs and he has never been involved in any profitable business or commercial enterprises. Learned counsel further submits that the charges levelled against the petitioner under Section 340(2) of the B.N.S. and Section 12 of the Passport Act are bailable in nature. Moreover, the migration of the petitioner to India was lawful and was due to the religious persecution and if any illegality has been committed, the same could be understood in terms of the desperation of the petitioner with his situation. Learned counsel further submits that



petitioner undertakes not to shirk from any of the conditions imposed if he is granted bail. Learned counsel referred to the case of Agastin Chinet Nevot @ Augustine Chinendu Nwaodu Vs. The State of Bihar and Anr. passed in Cr. Misc. No. 21171 of 2024 dated 20.07.2024 wherein in similar situation a monk of ISKON was granted bail by a Co-ordinate Bench of this Court considering the commitment of the petitioner to cooperate with the trial processes. The petitioner is in custody since 19.10.2024 and he has no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the petitioner is at flight risk and if he is granted bail, conditions must be imposed to ensure his presence before the learned trial court.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the clean antecedent of the petitioner and his period of custody, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-XVIII, Gaya/concerned court, in connection with Magadh Medical P.S.



Case No. 273 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will deposit his passport with the court concerned and apprise the court about his permanent place of abode and will remain present on each and every date fixed by the court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

7. Having considered the circumstances, the learned trial court is directed to take all necessary steps for early conclusion of the trial and try to conclude it preferably within three months.

(Arun Kumar Jha, J)

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