

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39551 of 2024

Arising Out of PS. Case No.-418 Year-2023 Thana- RAXAUL District- East Champaran

Ronal Barua @ Sharvan Barua S/o- Nepal Barua R/o- Vagabanpur, P.S.-
Rangenia Rangunia Dist- Chitta Gong A/P- Buddha International Welfare
Mission Amwan Behind Niranjana Resort, P.S. Bodh Gaya Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India, through the Secretary, Department of External Affairs,
New Delhi India Bihar
3. The Union of India through the Secretary, Department of Home Affairs,
Govt. of India, New Delhi New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP
For the UOI	:	Dr. Iti Suman, CGC

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 11-04-2025 Heard Mr. Madhurendra Kumar, learned counsel for

the petitioner and Dr. Iti Suman, learned Central Government as

also learned APP for the State.

2. The petitioner is in custody in connection with Trial
No. 1941 of 2024 arising out of Raxaul (Haraiya) P.S. Case No.
418 of 2023, G.R. Case No. 891 of 2023 registered for the
offence under Sections 420, 467, 468 and 471 of the Indian
Penal Code and section 3 of the Passport Act as also section
14(B) of the Foreigners Act and section 13 of Foreign Exchange
Management Act (FEMA), lodged on 18.09.2023 by the
informant, Suresh Kumar Singh.



3. As per the prosecution story, the Officials stationed at Raxaul made a complaint that the petitioner who is having the details of being resident of Bodh Gaya, Gaya having passport valid from 2017 to 2027 reported before the Immigration Officer for departure to Kathmandu for his onward visit to South Korea. As he looked suspicious, a check was made and it came to notice that actually he is the Bangladeshi citizen having Passport No. BA0556438. Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that he being the Buddhist Monk was in Bodh Gaya since the year 2017 visiting different places and in continuation of that was going to visit South Korea but now is in custody since 18.09.2023.

5. The counter-affidavit on behalf of the Central Government Counsel has come and the learned counsel has pointed out to paragraph-14 which read as follows:

“14. That as per the existing procedure of deportation of foreign national issued vide guidelines dated 24.04.2014 and 01.07.2019, in all cases where the foreigner is arrested and actions is taken under the relevant Acts, the foreigner can be deported only after completion of the sentence/court proceedings In such cases, the



foreigner can be deported by the State Government/UT Administration / FRRO / FRO concerned immediately on completion of the sentence/court proceedings, if he / she has a valid travel document / passport and subject to no other court case pending against him / her and there is nothing adverse against him / her and there is nothing adverse against him / her. In case the foreigner does not have a valid travel document/passport, it is necessary to obtain the requisite travel document from the Embassy /High Commission of the country concerned before he/she can be deported. In such cases, the State Government / UT Administration / FRRO /FRO concerned may take up the matter regarding issuance of travel document in favour of the foreigner with the Ministry of External Affairs (Consular Division), Patiala House Annexe, TilakMarg, New Delhi 110001, with copy to the Ministry of Home Affairs (Foreigners Division), with detailed particulars and photograph of the said foreigner immediately on arrest of the foreign



national or on filing of FIR, whichever is earlier.”

6. Considering the allegation that has come against the petitioner that despite being a Bangladeshi Citizen, he was living illegally in this country and has also procured relevant documents fraudulently, in that background, this Court is not inclined to extend him privilege of bail which is accordingly rejected.

7. However, the petitioner is in custody for long (18.09.2023), in that background, the learned Trial Court is requested to take immediate steps and conclude the trial at an earliest. The necessary information to the High Commission of Bangladesh, Chanakyapuri, New Delhi, Pin Code-110021 be also made.

8. Office to do the needful to inform the concerned High Commission regarding detention of its citizen.

(Rajiv Roy, J)

Adnan/-

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