

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65480 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- Haraiya District- East Champaran

Borys Bondarenko S/o Bondarenko Borys R/O Village- Ukraine, Sumy Region, Akhturka City, Hetboy Skago Street, House No 84, Ukraine, currently residi af Mayapat, Bhakti Siddhanta Suraswati Road, Nilachal Bhawan rious, West Bengal

... ... Petitioner

Versus

1. The State of Bihar
 2. The Union of India through Ministry of Home, Govt. of India, New Delhi
- Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ansul, Sr. Advocate Mr.Kumar Harshvardhan, Advocate Mr.Aditya Raman, Advocate Ms.Shruti Singh, Advocate
For the State	:	Mr.Navin Kumar Pandey, APP
For the Union of India	:	Dr. K.N. Singh, Sr. Advocate (ASGI) Mr.Rajen Sahay, Sr. C.G.C. U.O.I. Mr.Manoj Kumar Singh, C.G.C. Mr.Ankit Kumar Singh, Advocate Mr.Sanjay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 04-12-2025 Heard Mr. Ansul, learned senior counsel appearing on behalf of the petitioner and Mr. Manoj Kumar Singh, learned Central Government counsel appearing for the Union of India.

2. The accused/petitioner seeks bail in connection with Haraiya P.S. Case No. 23 of 2025 registered for the offences under Sections 14, 14(A)(B) of the Foreigners Act, 1946.

3. The accused/petitioner is named in the First



Information Report and is in custody since 05.03.2025.

4. As per FIR, the petitioner was apprehended near Matri Pool closed to Boarder Pillar No. 390/33 of Indo-Nepal Border. Upon personal search, it was found that passport of petitioner bearing No. ES277551 had already expired on 23.09.2024 and Visa was also expired, however, the petitioner was carrying a valid UNHCR Refugee Card bearing No. 51325-4993597 issued on 05.02.2025, valid till 04.02.2027, which recognizing him as a Ukrainian refugee due to the ongoing war in Ukraine.

5. Mr. Ansul, learned senior counsel appearing on behalf of the petitioner submitted that nothing incriminating was found in possession of this petitioner which may suggest that he is involved in anti-national activity.

6. It is submitted by Mr. Ansul that status of petitioner as refugee is undisputed and he is in process to get Asylum in this country due to war like situation in Ukraine. It is submitted that petitioner is involved with affairs of ISKCON since 2016, while he was in Ukraine.

7. Arguing further, it is submitted by Mr. Ansul that



offence which alleged against petitioner now appears bailable after amendment in Indian Immigration and Foreigners Act, 2025 (as amended on 01.09.2025).

8. Arguing further, it is submitted that two persons namely, Vinod Singh @ Venu Vinod Das and Rachit Goel @ Radhapati Charan Das, who are the members of Temple Management Committee of ISKCON, Patna, are willing to stand as bailors/sureties for the petitioner.

9. Mr. Manoj Kumar Singh, learned C.G.C. appearing on behalf of the Union of India, while opposing the prayer of bail of the petitioner, submitted that it is a fit case of deportation, but in the meanwhile, if the petitioner want to stay at ISKCON, Patna, he has no objection till approval of his Asylum by competent authority or his deportation, as the case may be.

10. In view of aforesaid factual submission and by taking note of the fact as *prima facie* nothing incriminating appears recovered from possession of this petitioner whereas the offence as alleged against the petitioner now becomes bailable in view of amendment as discussed aforesaid,



coupled with the fact that investigation of this case is already completed, where petitioner, who is a man of clean antecedent, remains in custody since 05.03.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul, Motihari/concerned court, in connection with Haraiya P.S. Case No. 23 of 2025, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short "B.N.S.S.") and further condition:

That the bailors of the petitioner shall be Vinod Singh @ Venu Vinod Das and Rachit Goel @ Radhapati Charan Das, who are the members of Temple Management Committee of ISKCON, Patna in terms of supplementary affidavit dated 21.11.2025.

(Chandra Shekhar Jha, J)

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