

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.539 of 2025

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Nilay Kumar @ Nilay Raut @ Nilu Raut Son of Late Bhikham Raut Resident
of Village- Chhagrahan Virata Tola, P.O.- Chhapra Bahas, P.S.- Sugauli,
District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of External Affairs,
South Block, Secretariat, Raisina Hill, New Delhi, India.
2. The Regional Passport Officer, Regional Passport Office, Patna, 2nd and 3rd
Floor, D Block, Mourya Lok Complex, Patna, Bihar- 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Jha- Advocate Mr. Subhash Kumar Jha- Advocate
For the Respondent/s	:	Mr. Additional Solicitor General Ms. Priya Gupta- C.G.C.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 16-06-2025 1. Heard learned counsel for the petitioner and
learned CGC appearing on behalf of the Union of India.

2. The learned counsel for the petitioner submits that
petitioner had applied for issuance of his passport but the same
was denied to him on the ground that he has been implicated in
a criminal case being Suguali P. S. Case No. 48 of 2022 dated
24.01.2022 registered for the offences under Sections 147, 148,
149, 341, 342, 323, 324, 307, 386, 332, 333, 427, 353, 504, 506
of the I.P.C. read with Section 3 of the Epidemic Act and
Sections 3 and 4 of the Damage to Public Property Act.

3. The learned counsel for the petitioner next submits
that investigation in Suguali P. S. Case No. 48 of 2022 till date



is continuing and charge sheet has not been submitted, as such, the aforesaid criminal case till date has not reached the Court of competent criminal jurisdiction, hence the respondent could not have denied the passport to the petitioner and for the said proposition relied on an order dated 10.04.2025 passed in CWJC No.16278 of 2024 (Gautam Rana vs. Union of India and others).

4. The learned counsel appearing on behalf of the Union of India submits that a counter-affidavit on behalf of the Regional Passport Officer has been filed wherein in sum and substance, the grounds taken is that the petitioner did not appear before the Passport Officer when he was called, as such, his application seeking issuance of passport was closed. The learned CGC submits that the law is well settled in this regard that under what circumstances the passport cannot be issued. It is also submitted that mere institution of a criminal case will not debar a person from seeking his passport as has been held by this Court in the case of Gautam Rana vs. Union of India and others. The learned CGC further submits that if the petitioner applies for issuance of a fresh passport, the same shall be issued in his favour as till date charge-sheet in the case has not been submitted in Sugauli P. S. Case No. 48 of 2022.



5. The learned counsel appearing on behalf of the petitioner submits that he is taking a stand of least resistance and thus, for the present is not disputing the averments made in the counter-affidavit as petitioner will file a fresh application seeking passport within a period of ten (10) days from today.

6. After hearing the learned counsel for the parties, the writ application is disposed of in terms of order dated 10.04.2025 in CWJC No.16278 of 2024 (Gautam Rana vs. Union of India and others).

7. It is made clear that if any online application is filed by the petitioner seeking issuance of passport on or before 30.06.2025, in that event, the Passport Officer after considering his application shall issue passport in accordance with law keeping the order dated 10.04.2025 in CWJC No.16278 of 2024 in mind within a period of one month thereafter.

(Satyavrat Verma, J)

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