

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4634 of 2026

Arising Out of PS. Case No.-213 Year-2025 Thana- MAINATAND District- West Champaran

Oscar Augusto Ruiz, S/o Lt. Francisco Duque, Resident of - ADO - Calle 45,
45-16 Bogota, Colombia, P.S-Teusaquillo- Bogota, District-Bogota
(Cundinamarca)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
Ms. Shalini, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 26-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in Mainatand P.S.
Case No. 213 of 2025 dated 30-10-2025, registered under
Sections 3(2), 14(a), 14(b) of the Foreigners Act, 1946.

3. The prosecution case, in short, is that on
29.10.2025, at about 12:30 A.M., while the informant was on
duty as Border Out Post Commander at Babhnauli, a tip-off was
received regarding a suspicious foreign national near
Narkatiaganj Check Post, close to Border Pillar No. 414/02.
Acting on this information, the personnel apprehended the
person and after verifying his documents, found him to be a
Colombian national. A Colombian passport, two mobile phones,



foreign currency (US Dollars and Euros), Indian and Nepalese currency, several international ATM cards, a driving licence and a travel ticket were recovered from his possession. On verification, it was found that the petitioner had a valid passport but did not have a valid Indian Visa.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that the petitioner is a Colombian national having valid passport bearing No. P COL BG464988 and was travelling on an authorized Visa for migration to Nepal. Pursuant thereto, the petitioner arrived on 24.10.2025 and proceeded towards the Narkatiaganj Check Post close to Border Pillar No. 414/02. The Visa was valid only for 30 days, i.e., from 24-10-2025 to 22-11-2025 and the petitioner was arrested on 29-10-2025, well within the permitted period from Narkatiaganj Check Post close to Border Pillar No. 414/02. It is submitted that while travelling in the border area, the petitioner was suddenly chased and threatened by certain miscreants who tried to loot him. In order to protect his life and belongings, the petitioner tried to escape from the said persons and, in that process, unintentionally crossed into Indian territory, without any *mens rea*. It is further submitted that during search,



no objectionable or incriminating articles were recovered from the possession of the petitioner. The petitioner belongs to a well-reputed family and his children are serving in esteemed professional capacities, including as a Chef and Advocate at the High Court of Colombia. Learned counsel for the petitioner handed over a copy of the letter dated 25th February, 2026, bearing Reference No. S-EINND-26-045 sent by the Embassy of the Republic of Colombia in India, informing this Court of its awareness of the pending proceedings and assuring full consular support. The Embassy has stated that it shall assist the petitioner in securing legal help, maintain consular contact and ensure compliance with all bail conditions, including appearance before the learned Trial Court and cooperation with the investigation. The said letter has been taken on record and marked as 'X' for identification. Lastly, it has been submitted that the petitioner has no criminal antecedents and has been in judicial custody since 31.10.2025. He is ready and willing to abide by all terms and conditions that may be imposed by this Court.

5. Learned Additional Public Prosecutor for the State has opposed the prayer.

6. Having regard to the fact that the petitioner is a foreign national having a valid passport and visa; as also the fact



that the alleged entry into Indian territory appears to be unintentional; as well as that no incriminating/objectionable material has been recovered from his possession; the petitioner has no criminal antecedents and has already undergone a substantial period of custody; and considering the nature of the allegations, the absence of *mens rea*, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, First Class, Bettiah, in connection with Mainatand P.S. Case No. 213 of 2025, subject to the following conditions:

(i) That both the bailors of the petitioner shall be the officials of the Embassy of Colombia in India in view of communication under Reference No. S-EINND-26-045 sent by the Embassy of the Republic of Colombia in India.

(ii) That the petitioner shall remain present before the learned Trial Court as and when required, either physically or through video conferencing, by the learned Trial Court and shall ensure his active participation during such proceeding.

(iii) That the learned Court below shall release the



petitioner on bail only after satisfying itself with respect to the assurance and undertaking furnished by the Embassy of the Republic of Colombia in India, as contained in its communication dated 25th February, 2026 bearing Reference No. S-EINND-26-045, which is taken on record and marked as 'X' for identification.

8. Let this order along with a copy of communication dated 25th February, 2026, under Reference No. S-EINND-26-045 sent by the Embassy of the Republic of Colombia in India and marked- 'X' for identification be sent to the Court below at once for needful.

9. The bail application stands allowed.

(Khatim Reza, J)

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