

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5635 of 2026

Arising Out of PS. Case No.-335 Year-2025 Thana- BODHGAYA District- Gaya

Pawan Kanti Barua @ Paban Kanti Barua @ Prasul Chakma S/o- Sukendu
Vikas Barua Village - Buddha International Welfare Mission Near Amwan
Thokar Sleeping Budha P.S- Bodh Gaya District -Gaya Jee, P/A- Jamuma
Chhada Ps- Kath Khali Dist- Rang Imami Bangladesh

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Ministry of External Affairs MEA New Delhi
New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pushp Raj Singh, Advocate Mr. Vikram Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, A.P.P.
For the Union of India	:	Dr. K.N. Singh, A. S. G Mr. Amish Kumar, CGC Mr. Shivaditya Dhari Singh, Advocate Mr. Amish Kumar, Advocate Mr. Pranav Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 31-03-2026 Heard Mr. Pushp Raj Singh, learned counsel for the

petitioner; Dr. K. N. Singh, learned Additional Solicitor

General for the Union of India and Mr. Jharkhandi Upadhyay,

learned APP for the State.

2. The petitioner seeks bail in connection with

Bodh Gaya P.S. case No. 335 of 2025 registered for the offence

punishable under Sections 336(2), 337, 338 of the B.N.S. and

section 21 of the Immigration and Foreigners Act, 2025.

3. As per the prosecution case, the official



informant along with police party had reached the Buddha International Welfare Mission (Sleeping Buddha), situated near *Amwa Thokar* and checking for security purposes were conducted. It is stated that as the police party was conducting security checks, the petitioner who was dressed in *Bhante* (monk robes) was trying to hide which raised suspicion. The petitioner upon being enquired disclosed his name as Propul Chakma and also produced an Aadhar card. The petitioner subsequently disclosed his name as Pawan Kianti Barua, and told that the petitioner is a resident of village Junuma Chhada, P.S. - Kath Khali, District Rang Imami, Bangladesh. It is therefore alleged that the petitioner being a Bangladeshi citizen had entered India without valid Passport and VISA. It is further alleged that the petitioner had entered India and thereafter went to Arunachal Pradesh to obtain a forged and fabricated Aadhar Card. On search, one Redmi mobile phone and some SIM cards were recovered from the petitioner. It is also alleged that no passport, Visa or valid document was found on the person of the petitioner.

4. Learned counsel for the petitioner Mr. Pushp Raj Singh submits that the petitioner is a 62-year-old differently abled '*monk*' who was on a pilgrimage on the occasion of *Budh*



Purnima and is associated with Buddha International Welfare Mission (Sleeping Buddha), Amwa Thokar, Bodh Gaya.

5. Learned counsel for the petitioner further submits that in view of the judgment in the case of *Kasperek Petr vs. The State of Bihar & Ors.* passed in *Cr. Revision No. 705 of 2023*, since the petitioner has been found to be without a VISA he could be deported to his own country but he cannot be detained indefinitely in a prison.

6. The learned counsel for the petitioner has also submitted that there are no independent witnesses to independently corroborate the seizure list. Moreover, the petitioner himself is a victim of fraud, since he was sent on his way by the travel agent after accepting the money from the petitioner for the pilgrimage of Bodh Gaya on the occasion of Budh Purnima. The learned counsel for the petitioner has vehemently argued that no offence as alleged against the petitioner are made out.

7. At this stage of grant of bail, the learned counsel for the petitioner had emphasized that for no fault of the petitioner, he has been made to languish in custody since 15.05.2025 and has clean criminal antecedent. It is underscored by the learned counsel for the petitioner that though the charge



sheet was submitted upon investigation on 01.07.2025, yet the trial has not progressed and the right to speedy trial of the petitioner is being violated.

8. Lastly, the learned counsel for the petitioner submits that, if the petitioner is granted the privilege of bail, he would fully co-operate in the trial and he shall not leave India until the conclusion of the trial.

9. Dr. K.N. Singh, learned Additional Solicitor General has vehemently opposed the prayer for bail but has not been able to give any reason for the delay in trial of the accused though the prosecuting agency is the State of Bihar and not the Union of India. Dr. K. N. Singh, learned Senior Counsel submits that upon completion of the investigation the case against the petitioner was found to be true and thereupon charge sheet has been submitted.

10. Mr. Jharkhandi Upadhyay, learned counsel appearing for the State has also opposed the present application.

11. I have considered the submissions of the parties. The petitioner was found without a Passport and valid VISA and a forged/fabricated Aadhar card was recovered from the petitioner. It is not in dispute that the petitioner is from Bangladesh and appears to be a *monk* associated with Buddha



International Welfare Mission (Sleeping Buddha), Amwan Thokar at Bodh Gaya. The petitioner is a permanent resident of Junuma Chhada, P.S. - Kath Khali, District Rang Imami, Bangladesh.

12. Today, two *sanyasis* of Buddha International Welfare Mission, Amwan Thokar, Bodh Gaya, namely, Nabin Saha and Soumen Mridha representing the aforesaid Buddha International Welfare Mission, Amwan Thokar have appeared in Court during the course of hearing. It has been submitted by the aforesaid two *sanyasis*, that the petitioner is associated with them and is a 62-year-old differently abled *monk* and if granted bail, the petitioner may be directed to stay at Buddha International Welfare Mission, Amwan Thokar, Bodh Gaya and that the petitioner shall co-operate in the trial.

13. This Court in similar facts in the case of *Agastin Chinet Nevot v. State of Bihar & Anr*, reported as **2024 SCC OnLine Pat 6010**, had directed for a supervised stay at a verifiable address with strict conditions instead of prolonged incarceration.

14. Considering aforesaid and the fact that the petitioner is a 62-year-old differently abled *monk*, the undertaking by the two *sanyasis/monks* who have appeared in



Court today together with the fact that the alleged forged documents/articles are already seized by the police, this application for bail is allowed.

15. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate First Class, Gaya Jee / concerned Court in connection with Bodh Gaya P.S. Case No. 335 of 2025, subject to the following conditions —:

- i) *Both the bailors shall be **Nabin Saha** and **Soumen Mridha** who are the sanyasis / monks at the Buddha International Welfare Mission, Amwan Thokar, Bodh Gaya.*
- ii) *At the time of furnishing the bail bonds, the petitioner and the aforementioned bailors shall also produce an undertaking, in writing, from the President / Head of the Institution or any other responsible office bearer at the Buddha International Welfare Mission, Amwan Thokar, Bodh Gaya, to the effect that, till the conclusion of the trial, he shall undertake the responsibility for the stay of the petitioner within the premises at Buddha International Welfare Mission, Amwan Thokar, Bodh Gaya and further that he shall ensure the appearance of the petitioner in the trial on each and every date*



fixed in the trial either personally or through his advocate.

iii) *The petitioner shall strictly stay and remain within the premises of the Buddha International Welfare Mission, Amwan Thokar, Bodh Gaya and shall appear on each and every date fixed in the trial either personally or through his advocate. The petitioner shall co-operate in the expeditious conclusion of the trial. The petitioner shall not leave the premises of Buddha International Welfare Mission, Amwan Thokar, Bodh Gaya without the leave of the concerned Trial Court.*

iv) *The original passport of the petitioner, if any, shall be deposited with the trial Court.*

16. The Principal District and Sessions Judge, Gaya Jee is directed to ensure expeditious commitment of the case and thereafter the trial of the petitioner shall be held regularly so that the trial is concluded preferably within three months.

17. The Senior Superintendent of Police, Gaya Jee, shall ensure the appearance of the witnesses during the trial. Further, the S.H.O. of Bodh Gaya Police Station shall visit the Buddha International Welfare Mission, Amwan Thokar, Bodh Gaya, once a month to verify the presence of the petitioner



within in the premises of the aforesaid welfare mission.

18. Let a copy of this order be communicated to the Principal District & Sessions Judge, Gaya Jee and the Senior Superintendent of Police, Gaya Jee forthwith through FAX or e-mail for its compliance.

(Sandeep Kumar, J)

P. Kumar

U		T	
---	--	---	--

