

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30417 of 2026

Arising Out of PS. Case No.-9 Year-2026 Thana- KUNAULI District- Supaul

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Pramod Prasad @ Pramod Kumar S/O Binod Prasad Mali @ Binod Prasad
R/O Village- Malekpur, P.S- Pathargadha, Distt.- Saptari (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Kunauli P.S. Case No. 09 of 2026, registered for the offences under Sections 318(2), 3(5) of the BNS, Section 14(1), 23, 24 of the Immigration and Foreigners Act and Sections 13,14 of the Passports Act.

3. As per the prosecution case, petitioner and other coaccused persons were found entering India from Nepal and coaccused Iti Akhtar was found carrying a Bangladeshi passport and having a Visa only for Nepal.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. The FIR does not disclose any



offence against the petitioner as the petitioner is a citizen of Nepal and could come to India without any Visa and passport. Even otherwise nothing incriminating has been recovered from the petitioner who is having clean antecedent and he is in custody since 30.01.2026. Charge sheet has been submitted.

5. Learned APP appearing for the State opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is a flight risk as he is a citizen of Nepal and has been helping a Bangladeshi National to illegally enter into India.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the vague nature of allegation against the petitioner and also considering submission of charge sheet and his period of custody, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned JMFC, Birpur/concerned court, in connection with Kunauli P.S. Case No. 09 of 2026, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

(i) One of the bailors will be an Indian



National.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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