

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74113 of 2025

Arising Out of PS. Case No.-218 Year-2025 Thana- RAXAUL District- East Champaran

Kim Yang De S/o Yang Say Kim Resident of - Yang Fyung Gun, Yang Fyung Up, Chhandri 608 - 1, South Korea Current Address - Wataud Kataomeyi, Central Senapati, Manipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Ministry of Home , Government of India, New Delhi New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Harshvardhan, Adv. Ms. Shruti Singh, Adv. Mr. Rajnikant, Adv.
For the Opposite Party/s :		Mr.Ramchandra Sahni, APP
For the U.O.I	:	Mr. Alok Kumar, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 11-02-2026 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the Union of India.

2. A prayer for bail has been made on behalf of the petitioner in connection with Raxaul P.S. Case no.218 of 2025 registered under sections 14A and 14B of the Foreigners Act.

3. Learned counsel for the petitioner submits that the present case has been registered under the provisions of the Foreigners Act and the allegation against the petitioner is that he has been residing in India without a valid visa, as his visa expired in January, 2021. It is further submitted that the petitioner had come to India on a valid employment visa, which



remained effective until January, 2021. Thereafter, he made efforts on two occasions in the year 2021 to have his visa renewed, however, the same could not be processed. It is further submitted that during his stay in India, the petitioner solemnized marriage with a girl who is the resident of Manipur and out of the said wedlock a girl child has been born. Learned counsel further submits that the petitioner was employed as a Project Manager in K.K. Engineering Pvt. Ltd. company and had intended to return to his native country, but in the meantime, his visa expired. It is contended that there is no allegation whatsoever of the petitioner having indulged in any unlawful or criminal activity apart from the alleged overstay. The petitioner is in custody since 19.05.2025 and he undertakes to deposit his passport with the concerned authorities and would make efforts to get his visa renewed. It is further submitted that his wife would be the one of the bailors, in case bail is granted to him.

4. Learned counsel for the U.O.I has vehemently opposed the bail application of the petitioner on the ground that since visa of the petitioner had expired way back in the year 2021, his staying in country is illegal.

5. Taking into consideration the aforesaid facts and circumstances of the case and also considering the fact that there



is no serious allegation against the petitioner that he was engaged in unlawful activity and further consideration is that he is ready to deposit his passport before the concerned authorities and undertakes that he shall neither abscond nor tamper with the evidence in any manner and further considering that the petitioner is in custody since 19.05.2025, the petitioner is directed to be enlarged on bail in connection with Raxaul P.S. Case no.218 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned where the case is pending/successor Court, subject to the following conditions:-

(I) One of the bailors of the petitioner shall be the wife of the petitioner i.e. S Jerosha D/o- Ch Simon, Near Local Ground Katomei Centre, P.O- Senapati, Dist- Senapati, Manipur, Pin Code-795106.

(II) The petitioner shall remain physically present in the learned trial Court on each and every date and shall cooperate in the trial. In case the petitioner is absent on two consecutive dates without sufficient reasons, the learned trial Court would be at liberty to cancel the bail bonds of the petitioner.



(III) Efforts would be made at the end of the petitioner
to get his visa renewed/issued.

(Soni Shrivastava, J)

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