IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1178 of 2019

Arising Out of PS. Case No.-231 Year-2018 Thana- GARDANIBAG District- Patna

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1. Wu Chuangyong, male, aged about 39 years, Son of Wu @ Wuxianguri, resident of Zulinwan Xinghua Road, Chengguan, P.S.- Dawu, District- Hubei, China, at present residing at Shalimar Chamber opposite Maulana Abdul Engineering College, Alinagar, Anisabad, P.S.- Gardnibagh, District- Patna.
2. Tiandong Wu @ Wu, male, aged about 34 years, Son of Wu Guangyao, resident of Zulinwan Xinghua Road Chengguan, P.S.- Dawu, District- Hubei, China, at present residing at Shalimar Chamber opposite Maulana Abdul Engineering College, Alinagar, Anisabad, P.S.- Gardnibagh, District- Patna.

... ... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of External Affairs, New Delhi.
2. The Foreigners Regional Registration Office, East Block- VII, Level- 2, Sector-1, R.K. Puram, New Delhi- 66.
3. The State of Bihar through the Principal Secretary Home (Police) Department, Govt. of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Senior Superintendent of Police, Patna, Bihar.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Adv.

For the Respondent/s : Mr. Kumar Priya Ranjan, CGC

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 23-08-2021

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Heard Mr. Rajesh Ranjan, the learned Advocate for the petitioners and Mr. Kumar Priya Ranjan, the learned counsel for the Central Government.

2. On 20.07.2021, the application with respect to petitioner No. 2 was dismissed as withdrawn as he was granted the permission by the concerned authority to travel back to his home country, *i.e.*, China.

3. This writ petition has been pressed only with respect to petitioner No. 1.

4. The prayer in this writ petition is for a direction to the authorities concerned to renew the VISA of petitioner No. 1, who has been made accused in connection with Gardanibagh P.S. Case No. 231 of 2018.

5. For renewal of VISA, the petitioner No. 1 would be required to visit his home country. It has, therefore, been prayed for on behalf of petitioner No. 1 that he be allowed to exit India for his home country, *i.e.*, China, so that he could get his VISA renewed.

6. It has also been pointed out that two persons were made accused in this case. With respect to one, an

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order was passed by a Bench of this Court while granting bail to him that he shall not leave the country before the conclusion of the case. Later on, a necessity so arose for renewal of his VISA so as to effect his exit to his homeland. An application was filed for modification of such bail order which prohibited the petitioner to leave the country before the conclusion of the trial.

7. Such application was allowed and the order was modified.

8. Taking this as a positive direction, the aforesaid accused person of this case was allowed to go back to his country.

9. However, no such condition was imposed on petitioner No. 1, when his application for bail was disposed off. It is in this background that it requires to be understood that no positive order was passed by the concerned authority with respect to the petitioner either allowing or disallowing him to visit his homeland for the purposes of renewal of his VISA.

10. It has further been submitted by Mr. Rajesh

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Ranjan that an on-line application has been made to the concerned authority for granting permission to him to exit this country for the purposes of renewal of his VISA. He submits that the petitioner No. 1 is ready for executing any bond or agreement which the concerned authority would deem appropriate to ensure his return to this country to face trial, in case it goes to trial.

11. Mr. Kumar Priya Ranjan, the learned counsel for the Central Government has submitted that there would be no difficulty for the concerned authority to dispose off such on-line application/representation of the petitioner No. 1. It may but be possible that such on-line application/representation of the petitioner No. 1 may have been lost.

12. Under such circumstances, this Court directs that in the event of a fresh on-line application/representation being made by the petitioner No. 1 before the concerned authority within a period of three weeks from today, the same shall be disposed off by the authority concerned within a further period of four weeks

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thereafter.

13. Needless to state that the order shall be a reasoned one and all the background facts shall be taken into account before passing such an order and the decision shall be communicated to the petitioner No. 1 forthwith.

14. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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