

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39690 of 2014

Arising Out of PS.Case No. -195 Year- 2014 Thana -BHABHUA District- BHABHUA (KAIMUR)

Binod Tiwary @ Binod Kumar Tiwary, Son of Sharda Prasad Tiwary,
Resident of Village -Ward No. 11, Bhabua, P.S.- Bhabua, District - Kaimur
at Bhabua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.40841 of 2014

Arising Out of PS.Case No. -195 Year- 2014 Thana -BHABHUA District- BHABHUA (KAIMUR)

Awadhesh Tiwari, son of Sri Kailash Tiwari, resident of Mohalla-Ward
No.20, Bhabua, P.S. Bhabua, District-Kaimur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.39690 of 2014)

For the Petitioner/s : Mr. Sada Nand Ray, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey (APP)

(In Cr.Misc. No.40841 of 2014)

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Uma Nath Mishra (APP)

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 10-04-2015 The petitioners in these two applications are

retailers of Automobiles parts. They figured as accused in

Bhabua P.S. Case No.195 of 2014 for the offences punishable

under Sections 420 read with 34 of the Indian Penal Code and

Sections 63 and 65 of the Copyright Act, apart from Section 103

and 104 of the Trade Marks Act. Apprehending their arrest, the

petitioners filed Bail Petition Nos.340A and 369A of 2014

before the Sessions Judge, Kaimur at Bhabua. The same was rejected on 28.08.2014. Hence, these applications for grant of anticipatory bail under Section 438 Cr. P.C.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The question as to whether the products that are said to have seized from the shops of the petitioners was the result of the Copyright or Trade Mark violation and, if so, who resorted to that, is a matter for enquiry and investigation. The petitioners are only the traders or the sales men. They are not the one who manufactured the products. Arrest of such persons is not necessary.

Hence, these applications are allowed. In the event of arrest, the petitioners are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua, in connection with Bhabua P.S. Case No.195 of 2014, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(L. Narasimha Reddy, CJ)

Sunil/-

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