

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6048 of 2016

Arising Out of PS.Case No. -359 Year- 2015 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Raj Kishore Sah Son of Late Umraw Sah Resident of village - Gariba
P.S. Kalyanpur, District - East Champaran Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. M.K.Khare(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 05-04-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with
Kalyanpur P.S. Case No. 359 of 2015 registered for the offences
punishable under Sections 103, 104 of Indian Trade Mark Act,
1999 and Sections 63 and 65 of Copy Right Act.

Allegedly, from the shop of the petitioner 348 pieces
of bottle of 45 ml of Dabour Amla oil, 239 pieces of empty bottle
on which sticker of Dabour oil was fixed, 710-pieces of sticker of
Dabour Amla oil, 175 pieces of empty plastic bottle of Dabour
Honey, 102 pieces of empty glass bottle of Dabour Honey and
sticker of Dabour Honey total 4706 pieces were recovered.

Submission is of false implication and that it has not
come that the petitioner was selling those articles or the petitioner
has manufactured the same, the petitioner has purchased the said

article from the wholesaler and he has been made simply scapegoat, the petitioner himself was cheated by the wholesaler and as such he deserves sympathetic consideration as he is suffering in custody since 14.12.2015.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 9th, East Champaran at Motihari in connection with Kalyanpur P.S. Case No. 359 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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