

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36528 of 2016

Arising Out of PS.Case No. -302 Year- 2015 Thana -PIRBAHOR District- PATNA

Rajesh Kumar, Son of Shri Late Harendra Kumar @ Harendra Kumar Shrivastav, Resident of village Harihans, P.S.- Hussanganj, District- Siwan. Present Address- Naman Enterprises, Krishna Market, Behind Sahu Market, Bakarganj Gola Road, P.S.- Pirbhore, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 16-09-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Pirbhore P.S. Case No.302 of 2015 registered under Section 420 of the Indian Penal Code besides Sections 63 and 58 of the Copy Right Act and Sections 103 and 104 of the Trade Mark Act.

The accusation of the informant Syed Mashkur Hussain is that he being the authorized Officer of the Intex Technology India Limited obtained training by the said Company for identification of the original and duplicate goods of the said Company. The informant received secret information about selling of the



duplicate battery of the said Company by the Naman Enterprises due to which his Company and its customers are suffering irreparable loss. On receiving such information, the informant gave information to the Pirbhore Police Station and he alongwith police officials raided the said shop from where 500 duplicate batteries in the name of his Company was recovered. In the said shop, the petitioner was found selling the duplicate battery. When the informant demanded the bill of the battery from the petitioner, the petitioner did not produce any type of bill of the battery.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the petitioner is running a shop in the name of Naman Enterprises for selling the charger of the mobile and cover of the mobile since the month of November, 2015 but with an ulterior motive, the petitioner has falsely been implicated in this case. Further submission is that it would appear from the F.I.R. and the seizure list that the signature of the informant in the written report and the seizure list is different. Moreover, there is no signature of any of the police officials in the seizure list, nor the copy of the seizure list was handed over to the petitioner.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail

on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Patna, in connection with Pirbhore P.S. Case No.302 of 2015, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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