

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16577 of 2017

Arising Out of PS.Case No. -23 Year- 2017 Thana -JOGBANI District- ARRARIA

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Gulab Chand Sahani, Son of Jhari Lal Mukhiya, Resident of Lalit Path,
Ward No. 11, Police Station Jogbani in the district of Araria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Raj Kumar, Advocate

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-04-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 21.02.2017 in connection with Jogbani P.S. Case No. 23 of 2017 for the offences alleged under Sections 419, 420, 467, 468 and 471 of the Indian Penal Code and Sections 63 and 65 of the Copyright Act, 1957 and Sections 103 and 104 of the Trade Marks Act, 1999.

3. It is submitted that the petitioner has been falsely implicated and in any event, the first information report at the instance of the informant with respect to the alleged offence under the Trade Marks Act, 1999 is not maintainable in view of Section 115 of the Trade Marks Act which mandates that no court shall take cognizance of an offence under section 107 or section 108 or section 109 except on complaint in writing made by the Registrar or any officer authorized by him. It is further submitted that the provisions of the Copyright Act and the Indian Penal Code are not attracted in the present case. Moreover, no spurious goods have been recovered from the tea shop of the petitioner. The petitioner claims clean antecedents.

4. Having regard to the entirety of the facts and



circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Araria in connection with Jogbani P.S. Case No. 23 of 2017 (G.R. No. 602 of 2017) with the following conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

B.T/Chandran

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