

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45594 of 2017

Arising Out of PS.Case No. -159 Year- 2017 Thana -KOTWALI District- PATNA

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1. Krishna Prasad @ Krishna Prasad Gupta, son of late Baijnath Prasad Gupta, resident of Mohalla- Begampur, Nehrutola, P.S.-Chowk, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Mritunjay Narain, Advocate

For the Opposite Party/s : Smt. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 12-10-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Kotwali P.S.**

Case No.159 of 2017 instituted for the offence under Section(s) 416, 417, 418, 420 Indian Penal Code, Section 63/65 of the Copy Right Act, 1957, as well as Under Section 102 of the Trade Mark Act.

The Informant claims to be representative of Always Detective Service Pvt. Ltd., who has been given letter of authority by M/s K S Zainul Abedin Company, Chennai, to identify duplicate goods of the Company and to lodge complain against the makers of duplicate goods of the company. The Informant has alleged that he found petitioner selling duplicate *Lungis* of Company (999 Brand) in open market, who thereafter



informed the police. The police came along with Informant and seized 51 pieces of *Lungi* of duplicate brand.

Counsel for the petitioner has submitted that he has purchased those *Lungis* from M/s Gayatri Textile. In support of such submission, he has annexed Xerox copy of the invoice as Annxure-3. Counsel for the petitioner has further submitted that he was selling those *Lungis* as bonafide shopkeeper and not duplicate item.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Kotwali P.S. Case No.159 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Patna**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond



of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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