

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55601 of 2017

Arising Out of PS.Case No. -207 Year- 2017 Thana -MITHANPURA District- MUZAFFARPUR

=====

1. Firoz Alam S/o Alimuddin Ansari, R/o Mohalla- Chakbasu Raod,
Muzaffarpur, P.S. & District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand

For the Opposite Party/s : Mr. Sri Gauri Shankar Gupta

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 23-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Mithanpura P.S. Case No. 207 of 2017 instituted for the offence under Sections-420, 467, 468, 471/34 of the Indian Penal Code and Sections-63, 65 of Copy Right Act.

It has been submitted on behalf of the petitioner that he is a retailer and use to sell the articles after purchasing the same from the whole seller.

It is alleged that some spare parts have been found with wrapper of the company namely Hero Moto Corp Ltd. Counsel for the petitioner has submitted that utmost it will be a violation of trademark Act and the Copy Right Act will not apply. It has further been submitted that no any complain has been made by any consumer about selling of duplicate articles by the petitioner.



In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Mithanpura P.S. Case No. 207 of 2017 to the satisfaction of learned Sub Divisional Judicial Magistrate, (East) Muzaffarpur subject to condition as laid down u/S 438(2) of the 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)

A.K.V./-

U		T	
---	--	---	--

