

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18343 of 2020

Arising Out of PS. Case No.-718 Year-2018 Thana- KHAGARIA District- Khagaria

NAGESHWAR PRASAD GUPTA @ NAGESHWAR GUPTA Son of Late
Ganesh Prasad Sah Resident of Mohalla- M.G. Marg, P.S. and District-
Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-08-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 272, 273, 420/34 498A of the Indian
Penal Code and Sections 64/63 of Copy Right Act.

Allegation is that the accused persons were selling
fake products of the company and the police recovered 30 boxes
of Ratna 300 and 46 boxes of Ratna 64 from the shop of the
petitioner and 260 boxes of Ratna 300 and 10 boxes of Ratna 64



which were in plain colourful round box of 50 gm each.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. The entire sale process of goods/products in question has been annexed to the present application. After closure of the company in question, the petitioner had requested the company to return the goods but the same was not taken back by them. There was no intention to commit any fraud. Other co-accused has been granted anticipatory bail vide Cr.Misc.No.87311 of 2019.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of A.C.J.M. 1st, Khagaria in connection with Khagaria P.S. case No.718/2018 [G.R. No.2900/2018], subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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