

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20530 of 2020

Arising Out of PS. Case No.-424 Year-2016 Thana- HAJIPUR District- Vaishali

RANA KUMAR, Son of Ram Sagar Patel Resident mohalla - Pokhra, Gudari Road, Chandrvanshi Nagar, P.S.- Hajipur Town, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Prabhat- Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh- A.P.P.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

2 09-10-2020 The defects, as pointed out by the office, be ignored.

Heard learned counsel appearing for the petitioner as well as learned Public Prosecutor Incharge appearing for the State through video conferencing.

Petitioner apprehends his arrest in connection with Hajipur Town P. S. Case No.424 of 2016 registered for the offences punishable under Sections 420, 120(B)/ 34 of the I.P.C., Sections 63, 65 of the Copy Right Act, 1957 and under Section 102, 103 of the Trade Mark Act, 1999.

Allegedly, some duplicate articles were recovered from the shop of the petitioner, but perusal of impugned order goes to show that during course of the investigation, petitioner



was granted benefit of Section 41 of the Cr.P.C. However, after investigation, police submitted charge-sheet and cognizance was taken against the petitioner.

Now, it is *res integra* that if a person is granted benefit of Section 41 of the Cr.P.C. and the said person executes bond before the police or before the Court, the said person cannot be asked to take a fresh bail and, moreover, it is submitted on behalf of the petitioner that having similar allegation, other co-accused have already been granted privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 11.09.2020 passed in Cr. Misc. No.17086 of 2020.

In view of the aforesaid submissions, this anticipatory bail petition stands disposed of with direction to petitioner to surrender before the Court below and if, the concerned Court finds that petitioner is enjoying the privilege of Section 41 of the Cr.P.C., the concerned Court shall permit the petitioner to enjoy the privilege of Section 41 of the Cr.P.C. and the concerned Court will not ask the petitioner to seek fresh bail. Moreover, it is also made clear that if the bail bonds of the petitioner has already been cancelled and petitioner files regular bail petition before the Court below, the concerned Court shall pass appropriate order on regular bail petition of the petitioner,



keeping in mind that having similar allegation, other co-accused have already been granted privilege of anticipatory bail by this Court.

(Hemant Kumar Srivastava, J)

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