

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25314 of 2020**

Arising Out of PS. Case No.-65 Year-2020 Thana- BYPASS District- Patna
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1. Shambhu Kumar Mahto @ Shambhu Kumar S/o Ram Khelawan Mahto Resident of Mohalla-Bahari Dhawalpura, P.S.-Chowk, District-Patna.
2. Pappoo Kumar S/o Sri Satya Prakash Gupta Resident of Mohalla-Mathanital, P.S.-Chowk, District-Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party
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Appearance :

For the Petitioners : Mr. Rudra Deo, Advocate
For the State : Mr. J.K. Singh, APP
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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 09-11-2020

Heard learned counsel for the petitioners and learned APP for the State through video conference. Learned counsel for the petitioners undertakes that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof. Learned counsel for the State states that they have no objection in this regard and the matter be taken up on merits in view of the stated urgency.

2. The petitioners apprehend their arrest for the offences alleged under Section 420 of the Indian Penal Code, 63 Copy Right Act and 103/104 of Trade mark Act registered in



connection with Bypass P.S. Case No. 65 of 2020.

3. It is submitted that the petitioners have been falsely implicated in connection with recovery of wrappers and packaging machine said to disclose violation of the copyright and trade mark of the informant's product. It is submitted however that the informant's trade mark is "Shagun Sewa Sadan" whereas the trade mark of petitioner no. 1 is "Sahi Sakun Food Products" and trade mark of petitioner no. 2 is "Shahi Shagun". The recovery of the wrappers bearing the names 'Samrat Shagun' and 'Ravi Shagun' do not relate to the present petitioners' godowns, rather they have been recovered from the godowns of co-accused Rakesh Kumar @ Danveer Yadav and Ravi Gupta respectively. It is submitted that in any event no offence under Section 420 of the Indian Penal Code is made out and the other offences alleged are bailable. The petitioners claim clean antecedents.

4. Learned APP appears and has been heard.

5. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Patnacity, Patna, in connection with Bypass P.S. Case No. 65 of 2020, subject to the conditions as laid down under



Section 438(2) Cr. P.C., if they are not otherwise required in any other case.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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