

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87311 of 2019

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

Rajesh Kumar S/o Late Nageshvar Mahto @ Nageshvar Prasad Patel Resident
of Village- Dananagar Ward No.1, P.S. and Distt- Khagria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 25-06-2020 Heard Mr. Ranjan Kumar Singh, learned
counsel for the petitioner and the learned APP for the
State.

The petitioner seeks bail in anticipation of his
arrest in connection with Khagaria P.S. Case No. 718 of
2018 dated 16.10.2018 instituted for the offences under
Sections 272, 273, 420 and 34 of the Indian Penal Code
and Sections 64/63 of the Copy Right Act.

According to the accusation in the FIR, the
petitioner is alleged to have stocked Zarda of a make
which the company had stopped making three years ago.

Learned counsel for the petitioner has
submitted that absolutely vague allegation has been
levelled against the petitioner. The informant of this case
is an employee of the Zarda factory who has alleged that
certain brands of Zarda said to have been manufactured
by the company in which the informant is an employee is



being sold in the market in an unauthorized manner.

The counsel for the petitioner has further submitted that he is only a retail dealer of many commodities including Zarda and whatever is supplied to him by the authorized representatives of the company, he keeps it in his shop and sells it to the public.

Assuming but not admitting the fact that some of the packets of Zarda which were manufactured about three years ago by the manufacturer company of the informant were found in the shop of the petitioner, that would *ipso facto* not make him liable for being prosecuted for the aforesaid offences.

Considering the aforesaid submissions raised on behalf of the petitioner, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Ist Khagaria in connection with Khagaria P.S. Case No. 718 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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