

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18095 of 2021**

Arising Out of PS. Case No.-97 Year-2020 Thana- ANDHRATHARHI District- Madhubani

RAJU KUMAR MAHTO Son of Raghu Nath Mahto Resident of Village-
Andhara Tharhi, P.S.- Andhara Tharhi, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Gagan Deo Yadav, Advocate
For the Opposite Party/s : Mr Uday Chand Prasad, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 25-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Andhara Tharhi Police
Station (for brevity, *PS*) Case No 97 of 2020 dated 05.12.2020
instituted for the offence punishable under Sections 419, 420 of
Indian Penal Code, Sections 103, 104 of Indian Trade Mark Act,
1999 and Sections 63, 64, 65 of Copy Right Act.

There is recovery of 94.5 liters of Indian gooseberry
oil which is alleged to be fake and, accordingly, the prosecution
has been instituted against the petitioner. He is stated to be in
custody since 06.12.2020 and it is specifically averred in the
petition that he has no criminal antecedent. Submission is that



the arrest is merely on suspicion. It is a false case and the fact, that the recovered substance was fake, has yet to be ascertained.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate III, Jhanjharpur, District - Madhubani in connection with Andhara Tharhi PS Case No 97 of 2020 dated 05.12.2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to



honour his undertaking given in the instant proceedings today
for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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