

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30649 of 2021**

Arising Out of PS. Case No.-152 Year-2021 Thana- FORBESGANJ District- Araria

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SANJAY KUMAR MANDAL S/o Late Lal Chand Mandal R/o Sangram  
Tola, Ward No.9, P.S.- Forbesganj, District- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

|                      |   |                                                                                           |
|----------------------|---|-------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. N.K. Agrawal, Sr. Advocate<br>Mr. Raju Kumar, Advocate<br>Ms. Preety Kunwar, Advocate |
| For the State        | : | Mr. Shantanu Kumar, APP.                                                                  |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      03-12-2021                      Heard Mr. N.K. Agrawal, learned senior counsel  
appearing for the petitioner and Mr. Shantanu Kumar, learned  
Additional Public Prosecutor for the State in virtual court.

Let the defects, as pointed out by the office, be  
removed within four weeks of start of normal functioning of the  
physical court.

Petitioner seeks bail in connection with Forbesganj  
P.S. Case No. 152 of 2021 registered for the offences  
punishable under Sections 420 of the IPC, Section 103/104 of  
Indian Trademark Act, 1999 read with Sections 63, 65 of  
Copyright Act, 1957.

The prosecution case in brief is that on 27.02.2021 the  
informant, who was chief investigator of Wire Corp Science



Ltd., has alleged against petitioner for illegally indulged in production of duplicate products of Wire Corp company in contravention and involvement of Copyright and Trademark Act as on raid at the house of petitioner held on 27.02.2021 with the help of local police, 613 packet of 100 gm. of NATIVO of Wire company, 100 mg. Empty packet of NATIVO, 15 printed packets, 8 kg. of NATIVO chemical powder, 2480 pieces, sticker of FAME and a sealing machine were recovered.

Learned Senior counsel appearing for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. It is further submitted that as per allegation, no case is made out under Sections 63 and 65 of the Copyright Act against the petitioner. It is further submitted that no incriminating article has been recovered from possession of the petitioner. As per the seizure list all the seized articles which have been recovered from the house of the petitioner is genuine one. Petitioner is in custody since 28.02.2021. Petitioner carries one criminal antecedent.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as



well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 152 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of



bail bonds in terms of the above-mentioned order  
shall not be delayed for purpose of or in the name of  
verification.

**(Rajesh Kumar Verma, J)**

shahzad/-

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