

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2981 of 2021

Arising Out of PS. Case No.-141 Year-2020 Thana- SISWAN District- Siwan

1. RAGHAW SAH, aged about 40 years, Gender-Male, son of Jhaba Sah @ Chhaba Sah, Resident of Village- Mobarakpur, P.S.- Siswan (Chainpur O.P.), District- Siwan.
2. ARJUN SAH, aged about 45 years, Gender-Male, son of Jhaba Sah @ Chhaba Sah, Resident of Village- Mobarakpur, P.S. Siswan (Chainpur O.P.), District- Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ashok Kumar, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-08-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in connection with Siswan (Chainpur O.P.) P.S. Case No. 141 of 2020 for the offence registered under Sections 420 of the I.P.C., 103, 104 of the Trade Mark Act, 63, 64 and 65 of the Copy Right Act.

The prosecution story, in brief, is that the informant being the Chief Investigator of '*Dabur India Limited*' got information that '*Gulab Jal*' of '*Dabur Company*' is being produced forged at Chainpur O.P. P.S. on which, he went there



and having seen police party, Raghaw Sah (petitioner) fled away from there. On search of his house, 400 pieces of wrappers of forged label of '*Gulab Jal*' and one piece of blank bottle of chemical was recovered from his house and 600 pieces of bottles of forged '*Gulab Jal*' and 400 pieces of forged wrappers were recovered from house of Arjun Sah (petitioner no. 2). On the bottom of bottles of recovered '*Gulab Jal*' '*Himalaya*' word has been written while on the bottom of the bottle of '*Dabur Gulab Jal*', '*Dabur*' word has been mentioned.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have been made accused in the present case due to mistake of fact. It is alleged that the rose water with the brand of '*Dabur*' was being manufactured by the petitioners. The allegation is denied by the petitioners. It is further submitted that the petitioners are ready to deposit an amount of Rs. 50,000/- (Rupees Fifty Thousand Only) jointly in the learned court below which shall be subject to final result of the case.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.



Considering the aforesaid facts and circumstances of the case, the petitioners are directed to deposit an amount of Rs. 50,000/- (Rupees Fifty Thousand Only) jointly in the learned court below which shall be subject to final result of the case. On doing so, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned Chief Judicial Magistrate, Siwan, in connection with Siswan (Chainpur O.P.) P.S. Case No. 141 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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