

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51846 of 2021**

Arising Out of PS. Case No.-377 Year-2021 Thana- MAHUA District- Vaishali

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MAHESH RAM SON OF ASHARFI RAM R/O VILLAGE- SINGHARA,
P.S.- MAHUA, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-12-2021 The present matter has been taken up out of turn on

the mentioning slip filed by the learned counsel for the

petitioner on the ground that father of the petitioner has died on

10.12.2021.

Let the defect(s), if any, as pointed out by the

Office, be removed within four weeks of start of normal

functioning of the physical Court.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks regular bail in connection with

Mahua P.S. Case No.377 of 2021 registered for the offence

under Sections 420, 467, 468 and 471 of the IPC, Sections

103/104 of the Indian Trade Mark Act and Sections 63, 64 and

65 of the Copy Right Act.

As per prosecution case, about 3500 pcs of duplicate

Gulab Jal of Dabour company as well as others items of Dabour



company have been recovered.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the seizure list itself that there is no signature of the petitioner or his family members on the seizure list. He further submits that petitioner has no concern with the alleged recovery. Petitioner is in custody since 26.06.2021.

However, learned APP for the State vehemently opposed the prayer for regular bail.

Considering the period of custody of the petitioner as well as the aforesaid facts, the above named petitioner is directed to 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 learned CJM, Vaishali at Hajipur in connection with Mahua P.S. Case no. 377 of 2021 with following conditions:-

(i) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(ii) 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.

(iii) 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.

(iv) 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.

(v) The learned court below is directed to verify the genuineness with regard to the death of father of the petitioner before releasing the petitioner.

(Rajesh Kumar Verma, J)

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