

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15068 of 2021

Arising Out of PS. Case No.-297 Year-2020 Thana- SULTANGANJ District- Patna

SANJAY KUMAR RASTOGI @ SANJAY RASTOGI Son of Late Kesho Prasad Rastogi Resident of Khazanachi Road, Infront of Dr. Mohan Singh colony, P.S. - Pirbahore, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Singh, Advocate
Mr. Fakhruddin Ali Ahmad, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-02-2022 Heard Mr. Suresh Prasad Singh, learned Advocate for the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Sultanganj P.S. Case No. 297 of 2020 dated 12.12.2020 instituted for the offences under Sections 420, 482, 483 and 34 of the Indian Penal Code and under Sections 63/65 of the Copy Right act, 2012.

The accusation against him is of selling trousers and shirts under the brand name of "Sparky" unauthorizedly.

The informant of this case is an authorized representative of the Sparky Company, who on information that fake dress items are being sold in the shop viz. New Tirupati Dress, a raid was conducted and several pieces of trousers and



shirts were found having the trade dress of "Sparky" Company.

Hence, the prosecution.

Learned counsel for the petitioner has submitted that he is the retail seller of male clothing and had purchased the aforesaid trousers and shirts from Ranchi. The petitioner had no idea that wrong trade dress was used by any company. The petitioner had purchased the same thinking it to be a product of the "Sparky" company.

With such background facts, it has been urged that no offence under Sections 420, 482 and 483 of the IPC can at all be said to have been made out against the petitioner.

The petitioner is not alleged to have manufactured those items of clothing and therefore there is no application of Sections 63 and 65 of the Copy Rights Act, 2012.

Considering the afore-noted submissions and taking into account that petitioner is the proprietor of New Tirupati Dresses, who had purchased the clothing items from Ranchi is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four 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-II, Patna City in
connection with Sultanganj P.S. Case No. 297 of 2020, subject
to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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