

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8607 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- KHIRHAR District- Madhubani

Indrakant Jha S/o Chandra Kant Jha Resident of Village- Jiraul, P.S.- Khirhar,
District- Madhubani. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, App

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 22-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within four
weeks from today.

The petitioner seeks regular bail in connection with
Khirhar P.S. Case No. 80 of 2021 instituted for the offences
punishable under Section 420 of the Indian Penal Code,
Sections 103 and 104 of the Indian Trade Mark Act, 1999 and
under Sections 63 and 65 of the Copy Right Act, 1957.

Learned counsel for the petitioner submits that the
petitioner is in custody since 28.10.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

The prosecution case, in short, is that informant
received information that in Jiraul village, a fake product
namely, Nativio of Bayer Crop Science Ltd. and also product of
Crystal Company is being manufactured and gave this



information to SHO, Khirhar on 27.10.2021. Thereafter, he along with police personnel reached there. The person who present there, was asked his name and he disclosed his name as Indra Kant Jha in the presence of two independent witness namely, Md. Islam and Raj Kishore Chaubey. During the course of search of the house of Indra Kant Jha, huge quantity of fake products and articles were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to enmity and village politics. It is further submitted that it has nowhere mentioned in the written report that the articles seized by the police had any trademark and the same was copied as of his company and in the aforesaid circumstances, mischief of Trade Mark Act under Sections 103 and 104 was not going to apply in the case at hand and in the like manner, the offence punishable under Sections 63 and 35 of the Copy Right Act is also not attracted in the case of this petitioner, charge-sheet has already been submitted in this case and there is no chance either of his absconding or tampering with the evidence.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.



Considering the fact that the petitioner is in custody since 28.10.2021 and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two 14sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Benipatti in connection with Khirhar P.S. Case No. 80 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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