

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26802 of 2022

Arising Out of PS. Case No.-686 Year-2021 Thana- HILSA District- Nalanda

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BADRI KUMAR Son of Ram narayan Prasad At present Resident of Village -
Bidarbaad (Badrabad) Arwal, Bihar.804402

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr.Kishore Kunal, Advocate

For the State : Mr.Ashok Kumar Singh, APP

For the informant : Mr.Parijat Saurav, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-11-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

Learned Counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 419, 420 of the Indian Penal Code and
Sections 63, 65 of Copyright Act and Sections 102, 104 of
Trademark Act, 1999.

Prosecution case, in short, is that the informant is
registrant of trademark “PRAMOD” and sells foods and his
premium products is “PRAMOD TILKUT”, which has created
niche among the customers. The petitioner is engaged in selling



tilkut with similar packaging under the name as “NEW PRAMOD SPECIAL TILKUT” in order to deceive the customers of the informant and has caused wrongful loss to the informant in the market.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. All the offences are triable by the Magistrate. It is further submitted that the trademark used by the petitioner is very distinct and not deceptive to the trademark of informant's business.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, 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 furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa in connection with Hilsa P.S.



case No.686/2021, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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