

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39277 of 2022

Arising Out of PS. Case No.-346 Year-2022 Thana- KANTI District- Muzaffarpur

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Babloo Kumar Gupta S/o Ramswaroop Gupta R/o village- High School Road
Kanti, P.S.- Kanti, District- Muzaffarpur, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-10-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

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

The petitioner seeks bail in connection with Kanti P.S.

Case No. 346 of 2022 registered for the offence under Section
420 of the I.P.C. and under Sections 63 and 65 of the Copy
Right Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.05.2022.

The allegation against the petitioner is to run a shop of

Kajol Mobile and Electronics Store from where duplicate wire

of informant's company was recovered, alongwith huge quantity



of duplicate wire of Anchor and V-Guard Company.

Learned counsel appearing on behalf of the petitioner submitted that petitioner himself is a victim of circumstances, as there is no occasion to purchase the duplicate materials for selling purpose by putting reputation of his shop on stake. It is further submitted that no offence under Section 42 of the Indian Penal Code is made out against this petitioner, where for the violation of Copy Right Act, the maximum punishment is of three years. It is further submitted that petitioner is not the manufacturer but a shop-keeper and, as such, the violation of Copy Right Act is not applicable against this petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, and also by taking note of the custody period coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kanti P.S. Case No. 346 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned
Judicial Magistrate 1st Class, Muzaffarpur (West),
Muzaffarpur/concerned court, subject to the conditions as
mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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