

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44779 of 2022

Arising Out of PS. Case No.-107 Year-2022 Thana- UCHKAGAON District- Gopalganj

Jai Kumar Kushwaha Son of Parmanand Kushwaha @ Parmanand Prasad
Resident of Village - Chhotka shankhe, P.S.- Uchaka Gaon, District -
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Mohan, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-11-2022 Learned counsel for the petitioner is permitted to

remove the defects, as pointed out by the office, within a period

of four weeks from today.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner is apprehending his arrest in a case

registered for the offences punishable under Sections 420 of the

Indian Penal Code and Section 63 and 65 of the Copy Right Act.

As per prosecution case, in brief, is that on the alleged

date and time of occurrence, informant being Field officer in R.K.

& Associate Company whose job is to investigate whether there is

copyright infringement or not and the copyright of Supreme

Water Tank hold him. In this context when the informant with

police personnel raised in the company of petitioner then found



that petitioner without any copyright was selling the tank by the name of Supreme Water Tank which is a violation of the Copyright Act.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. that the recovery has been made from the premises of the petitioner but in fact the petitioner has no concern at all with the alleged recovery and in fact the owner of the premises is Manoj Kumar who is proprietor of Ditya Ashirwad Polymer Industries and the petitioner has no concern at all with the affair of the said company and petitioner is neither the owner nor the employee of the said company.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Uchkagaon P.S. Case No. 107 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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