

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13032 of 2023

Arising Out of PS. Case No.-383 Year-2021 Thana- BASANTPUR District- Siwan

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1. SHAILESH KUMAR GUPTA Son of Ramlal Sah Resident of village - Narharpur, P.S.- Lakdinabiganj, Distt.- Siwan.
 2. Mithlesh Kumar Gupta Son of Ramlal Sah Resident of village - Narharpur, P.S.- Lakdinabiganj, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Anupam

For the Opposite Party/s : Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 420 and 120(B)/34 of the Indian Penal Code, Section 103/104 of Trade Mark Act, 1999 and Section 63/65 of Copy Right Act 1957 pending in the learned court below.

As per the prosecution case, all the accused persons market counterfeit goods. Without receipt and forged documents they were doing business of duplicate and counterfeit electrical instruments.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is general and omnibus allegation against the petitioners. He submits that there is no



specific overt act against the petitioners. He further submits that there is delay of six months in filing of the present FIR because of ill motive and to demolish goodwill of the petitioners in the market. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submitted that the allegation levelled as the petitioners is serious in nature. Hence, they do not deserve anticipatory bail.

Considering the nature of the offence, I am not inclined to enlarge the petitioners on bail in connection with Basantpur P.S. Case No. 383/2021. Accordingly, their prayer for anticipatory bail is hereby rejected.

However, if petitioners surrender before the learned Court below within a period of six weeks from today and seek regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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