

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26149 of 2023

Arising Out of PS. Case No.-65 Year-2022 Thana- SOHSARAI District- Nalanda

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SAURAV KUMAR @ SAURAV RAJ S/O SHANKAR PRASAD Resident of
Village- Sohsarai Near Pani Tanki, P.S.- Sohsarai, District- Nalanda at
presently residing at Resident of House of 63, Pocket-E, Mayur Vihar, Phase-
2, Trilok Puri East Delhi- 110091

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Anand Kumar, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the petitioner
and the learned A.P.P. for the State.

The petitioner apprehends his arrest in
connection with Sohsarai P.S. Case No.65 of 2022,
registered for the offences punishable under
Sections 420/379 of the Indian Penal Code, Section
63 of Copy Right Act, 1957 and Sections 103 & 104
of the Indian Trade Mark Act, 1919.

The allegation is regarding the informant
having lodged a complaint to the effect that the co-
accused person, namely, Raju Chaudhary has taken
a room on rent in the house of the petitioner and is
engaged in the business of selling duplicate



bearings, duplicate oil, duplicate mustard oil etc., whereupon police had conducted raid at the alleged place of occurrence and upon search, huge quantity of duplicate coconut oil, Ayurvedic oil, mustard oil, harpic and duplicate bearings etc. were recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that admittedly as per the FIR also the petitioner is not the main accused who had engaged in either manufacturing or selling duplicate products/articles, however, it is the co-accused person, namely, Raju Chaudhary who had taken the house of the petitioner on rent and was engaged in the business of selling duplicate products/articles. It is also submitted that the petitioner resides at Delhi, which is apparent from his Aadhar Card, annexed as Annexure-3 to the present petition and, moreover, it would be apparent from the house agreement, annexed as Annexure-2 that the premises in question was rented out to one Suman Kumar, who is partner/relative of the main



accused person, namely, Raju Chaudhary, hence it is submitted that the petitioner is not having any complicity in the matter.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that admittedly in the FIR also it has been stated that the co-accused person, namely, Raju Chaudhary had taken a room on rent at the house of the petitioner/his mother and the duplicate products/articles have also been seized and recovered from the said room, taken on rent by the said co-accused person, namely, Raju Chaudhary, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is



directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Nalanda, in connection with Sohsarai P.S. Case No. 65 of 2022,subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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