

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34871 of 2023

Arising Out of PS. Case No.-886 Year-2022 Thana- HILSA District- Nalanda

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BADRI KUMAR Son of Late Ram Narayan Prasad Resident of Village and
P.O. - Baidrabad, Badrabad, P.S. - Arwal, Distt. - Arwal, Bihar 804402

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kishore Kunal , Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-07-2023 Heard learned counsel for the petitioner and the

State.

2. Petitioner apprehends arrest in a case registered for the offence punishable under section 420 of the Indian Penal Code 1860 and 63 & 65 of Copyright, Act, 1957 and 103 & 104 of Trademark Act, 1999.

3. Petitioner is alleged to have marketed product of informant's company in the different name.

4. It is submitted that petitioner is manufacturer and seller of Tilkut which is his family business. As a matter of fact, the logo and trademark used by the petitioner are very distinct and not deceptive to the trademark of the informant's business. As such no offence under section 55 of The Copyright Act, 1957 is made out against this petitioner. The items which were seized



are of Shivam Pramod Tilkut much different from the product of the informant. Petitioner claims clean antecedent.

5. Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Court of A.C.J.M., Hilsa in connection with Hilsa P.S. case no 886 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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