

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38746 of 2023**

Arising Out of PS. Case No.-15 Year-2023 Thana- JANDAHA District- Vaishali

=====

Kapildev Sharma son of Ganesh Sharma Village- Sherpur P.O + P.S.-  
Warsaliganj Dist- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar  
2. Akhilesh Kumar (Manager) Indo Brine Industries Limited, Survey No. 282,  
Vill- Chopadaya, Dist-Kutch, Gujarat

... .. Opposite Party/s

=====

**Appearance :**

|                          |   |                                     |
|--------------------------|---|-------------------------------------|
| For the Petitioner/s     | : | Mr. Mithlesh Prasad Singh, Advocate |
| For the Opposite Party/s | : | Mr. Abhay Kumar Roy, APP            |
| For the O.P. No. 2       | : | Mr. Praveen Kumar Choubey, Advocate |

=====

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

4      17-10-2023                      Heard Mr. Mithlesh Prasad Singh, learned counsel  
  
appearing on behalf of the petitioner, Mr. Praveen Kumar  
  
Choubey, learned counsel for the O.P. No. 2 and the learned  
  
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection  
with Jandaha P.S. Case No. 15 of 2023, registered for the  
offences punishable under Sections 420 and 120(B) of the Indian  
Penal Code and Section 63/65 of the Copyright Act, 1957.

3. The prosecution case is based on the written report  
of the informant alleging therein, that the co-accused persons  
claiming themselves to be Director of one Dandi Salt Pvt. Ltd.  
entered into an agreement with co-accused ‘Sanjay Kumar Sah’,



who in turn appointed the petitioner as manager for selling the said salt of their company. The allegation against the petitioner is that of infringing the copyright of the company of the informant, namely, Indo Brine Industries Ltd. It is further alleged that on account of the abetment made by the petitioner, the duplicate salt infringing the copyright of the petitioner was being sold in different shops in the district of Vaishali and others.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has no concern with the agreement rather he is only a worker/salesman in the shop of 'Sanjay Kumar Sah' and look after his stores also. He next submitted that even during the course of investigation no material has come suggesting the concern of the petitioner with the duplicate or original salt, as he is not involved in selling either of them. He also submits that one 'Anil Kumar Singh', against whom there is identical allegation, who was also working in the house of 'Sanjay Kumar Sah', as a staff, he has been allowed the privilege of anticipatory bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 38700 of 2023 vide order dated 28.07.2023, the copy of which has been handed over and taken on record. He lastly submits that even assuming



the allegation to be true, though not admitted, no case either under Section 63/65 of the Copyright Act, 1957 or Section 420/120B of the Indian Penal Code is made out. Moreover, prior to the institution of this case, the petitioner had absolutely clean antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the O.P. No. 2 as well as learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner was involved in the business of selling deceptive salt in association with other co-accused persons. It is also submitted that the petitioner along with others have created a racket of selling the deceptive salt by using the name of branded company.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is not a signatory to the agreement, coupled with the fact that co-accused person, having identical allegation, has been allowed the privilege of anticipatory bail, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali, Hajipur in connection with Jandaha P.S. Case No. 15 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

shivank/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

