

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58951 of 2023

Arising Out of PS. Case No.-33 Year-2023 Thana- MAKHDUMPUR District- Jehanabad

1. Anil Kumar Singh Son Of Dindayal Singh Residents Of Village Basantpur Ps Bidupur District Vaishali.
2. Kapildeo Sharma @ Master Saheb Son of Ganesh Thakur R/o Balbapur Nagar Parishad Area, P.S. - Warsaliganj, Distt. - Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navin Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2023 Heard learned counsel for the petitioners and learned APP for the State.

02. In this case, the petitioners are apprehending their arrest in connection with Mokhdumpur P.S. Case No. 33 of 2023, registered on 16.01.2023 for the offences under Sections 420 and 120(B) of the Indian Penal Code and Section 63 and 65 of the Copyright Act, 1957.

03. As per prosecution case, the co-accused persons, Ramniwas Gupta and Neeraj Kumar Agrawal, claiming themselves to be the Director of one Dandi Salt Pvt. Ltd., entered into agreement with co-accused Sanjay Kumar Sah, who in turn appointed the petitioners as managers for selling the said



salt of their company. The allegation against the petitioners is that of infringing the copyright of the company of the informant, namely, Indo Brine Industries Ltd. and with the abetment of the petitioners, the duplicate salt infringing the copyright of the company of the informant was being sold in Saraiya, Makhdumpur market.

04. Learned counsel for the petitioners submits that submits that petitioners are innocent and have been falsely implicated in this case. The petitioners have no concern with the duplicate or the original salt as they are not involved in selling either of them. The allegation against the petitioners is that they are the managers of one Sanjay Kumar Sah who had entered into an agreement with other co-accused persons, namely, Ram Niwas Gupta and Niraj Kumar Agrawal whose company has infringed the copyright of the company of the informant. The petitioners are merely staff of co-accused Sanjay Kumar Sah and they are not responsible in any manner for selling duplicate salt. Moreover, petitioners have no concern with infringement of copyright with which he is barely aware. No offence under Sections 63 or 65 of the Copyright Act, 1957, is made out against them. Learned counsel further submits that petitioners are having criminal antecedent of two cases with similar



allegation i.e. Sadar Nagar (Hajipur) P.S. Case No. 05 of 2023 and Jandaha P.S. Case No. 15 of 2023, in which, they are on bail and one anticipatory bail application of petitioner no.2 bearing Criminal Misc. No. 38746 of 2023 is pending consideration before this Court.

05. Learned APP opposes the prayer for anticipatory bail submitting that the petitioners have been doing business of selling deceptive salt in association with other co-accused persons.

06. Having regard to the submissions made on behalf of the parties and considering the facts and circumstances of the case and also considering the remoteness of allegation against the petitioners, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Jehanabad/ court concerned in connection with Mokhdumpur P.S. Case No. 33 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

Before accepting the bail bond of the petitioners, the learned court below is directed to verify the criminal antecedent of the petitioners. If it is found that the petitioners have criminal antecedent of other than those mentioned in their submissions, then their bail bonds would not be accepted and they would be taken into custody forthwith.

(Arun Kumar Jha, J)

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