

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72247 of 2022

Arising Out of PS. Case No.-374 Year-2022 Thana- VAISHALI District- Vaishali

1. Tribhuwan Mahto S/O Gonaaur Mahto Resident of village- Mansoorpur, P.S.- Vaishali, District- Vaishali (Bihar).
2. Siyaram Sah S/O Late Ram Ashish Sah Resident of village- Mansoorpur, P.S.- Vaishali, District- Vaishali (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 6140 of 2023

Arising Out of PS. Case No.-374 Year-2022 Thana- VAISHALI District- Vaishali

Naresh Bhagat @ Ramnaresh Bhagat S/O Late Bhola Bhagat R/v- Simra,
P.S.- Vaishali, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 72247 of 2022)

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

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 6140 of 2023)

For the Petitioner/s : Mr. Rajeev Ranjan No.II, Advocate

Ms. Anjana Gupta, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-03-2023

Cr. Misc. No. 72247 of 2022

Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.



The petitioners seek bail in connection with Vaishali P.S. Case No. 374 of 2022 registered for the offence under Sections 103 and 104 of the Trade Marks Act and under Sections 63, 64 and 65 of the Copyright Act.

The accused/petitioners are named in the F.I.R. and are in custody since 18.09.2022.

The allegation against the petitioners is to violate the Provisions of Trade Mark and Copyright, where from the shop of the petitioners forged and duplicate 756 pieces of 100ml bottles of 'M/s. Nominee Gold PI Company', 36 pieces of empty bottles, wrappers in the name of M/s. Nominee Gold, etc. were recovered.

Learned counsel appearing on behalf of the petitioners submitted that petitioners have been falsely implicated in present case. It is submitted that the goods are alleged to be recovered from the shop of these petitioners claiming to be duplicate of the original "(PI Nominee Gold)" is false on its face for the reason that same was supplied by the company itself with assurance to the petitioner that agreement of the products will be executed later on. It is submitted that for certain disputes arises out of money transactions, said agreement was not executed between the parties and subsequent thereto, the present



raid was conducted causing false implications of petitioners. It is submitted that the maximum punishment for offences as alleged is of 2 years and as such offences alleged are bailable in nature. While concluding the argument, it has been submitted that petitioners are men of clean antecedent and moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the nature of allegation, where petitioners are in custody since 18.09.2022 coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Vaishali P.S. Case No. 374 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.



Cr. Misc. No. 6140 of 2023

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Vaishali P.S. Case No. 374 of 2022 registered for the offence under Section 103 and 104 of the Trade Mark Act and under Sections 63, 64 and 65 of the Copyright Act..

The accused/petitioner is named in the F.I.R. and is in custody since 22.11.2022.

The allegation against the petitioner is to violate the Provisions of Trade Mark and Copyright, where from the shop of the petitioner forged and duplicate 756 pieces of 100ml bottles of 'M/s. Nominee Gold PI Company', 36 pieces of empty bottles, wrappers in the name of M/s. Nominee Gold, etc. were recovered.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in present case. It is submitted that no recovery as alleged was made from the house of this petitioner, rather same was made from the house of the co-accused, namely, Tribhuwan Mahto. It is



submitted that the name of petitioner surfaced in present case on the basis of disclosure made by co-accused Tribhuwan Mahto. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the nature of allegation, where petitioner is in custody since 22.11.2022 coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Vaishali P.S. Case No. 374 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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