

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12561 of 2024

Arising Out of PS. Case No.-3891 Year-2022 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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1. Anil Kumar Singh, S/O Dindayal Singh, resident of village- Basantpur Kakrahta Milky, P.S. Bidupur Bazar, District- Vaishali.
 2. Kapildeo Prasad Sharma @ Kapildeo Sharma @ Master Saheb, S/O Ganesh Thakur, resident of Balbapar Nagar Parishad Area, P.S. Warsaliganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Indo Brine Industries Limited, Agarwal's House, Gokul Park, Plot No. 356, Ward No. 12B, Tagore Road Gandhidham (Gujarat) through its Marketing Manager Abhitesh Kumar, Aged About 26 Years (M), S/O Sri Jitendra Mishra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Navin Kumar, Advocate
For the State	:	Mr.Shantanu Kumar, APP
For the O.P.No.2	:	Mr. Arun Kumar, Advocate
		Mr. Pravin Kumar Chouey, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 24-04-2024 The matter has been listed under the heading 'For Orders (On Office Notes)' as notice was ordered to be issued to opposite party no.2, who has since appeared and has filed the counter affidavit.

2. Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the opposite party no.2.

3. In the present case, the petitioners are apprehending their arrest in connection with Complaint Case No. 3891 of 2022 registered for the alleged offences under Section 420, 468, 469, 483, 486, 487, 120B of the Indian Penal Code, Sections 63



& 65 of Copyright Act and Sections 103 & 104 of Trade Mark Act.

4. The allegation against the petitioners is that they used to work as Marketing Managers of co-accused Sanjay Kumar Sah to create a market for sale of duplicate brand of 'Dandi' salt, original being manufactured by the complainant. Pursuant thereto, the petitioners lifted 50,000 bags (25 Kg each) of duplicate salt from the rack point of Fatuha railway station.

5. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners have no concern with the occurrence for any offences under Sections 63 and 65 of Copyright Act as well as Sections 103 and 104 of Trade Mark Act. It is apparent from the complaint petition that there are a number of litigations between the complainant and the co-accused persons with regard to trademark and copyrights and the petitioners got involved in the fight of the complainant and the co-accused persons, namely Dandi Salt Pvt. Ltd, Sri Ram Niwas Gupta, Sri Neeraj Kumar Agrawal and Sri Sanjay Kumar Sah, respectively. The learned counsel further submits that for the aforesaid occurrence, the present complaint case was filed on 19.12.2022 in the court of learned Chief Judicial Magistrate, Vaishali at



Hajipur and after 10 days, Hajipur Town P.S. Case No.05/2023 has been lodged with same accusation and it is an absolute misuse of the process of law. The learned counsel further submits that with similar allegation, the complainant has filed Jandaha P.S. Case No.15 of 2023 and Makhdumpur P.S. Case No. 33 of 2023. The petitioners are on bail in all these cases. The learned counsel further submits that there is further no material to connect the petitioners with the offences as alleged.

6. Learned APP as well learned counsel appearing on behalf of the complainant vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the complainant submits that the petitioner Anil Kumar Singh had been earlier working for the complainant and he was one of the witnesses in Mokama P.S. Case No. 78/2011 which was lodged for selling of duplicate brand of salt by co-accused Dandi Salt Pvt. Ltd. So this petitioner could not claim that he was not aware about the original brand and he, deliberately and willfully, got involved in such selling of the spurious brand of salt. Similarly, the petitioner no.2 Kapildeo Prasad Sharma lifted the salt from the railway station and kept it in godown and, thereafter, indulged in selling the same throughout the State of Bihar.



7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation for which FIR has also been lodged and the petitioners have been enlarged on bail in that case and further considering the apparent lack of substantive material against the petitioners and possibility of false implication, 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 bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Vaishali at Hajipur, in connection with Complaint Case No. 3891 of 2022, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

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

(Arun Kumar Jha, J)

V.K.Pandey/-

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