

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15926 of 2024

Arising Out of PS. Case No.-445 Year-2012 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

Rajesh Kumar @ Rajesh Kumar Srivastava Son of Jagdish Prasad Resident of
Mohalla- Prabhat Nagar, Najirpur, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 18-03-2024 Heard Mr. Santosh Kumar, learned counsel appearing
on behalf of the petitioner and learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Muzaffarpur Town P.S. Case No. 445 of 2012, registered
for the offences punishable under Sections 420/419 of the Indian
Penal Code and Sections 51, 52(A), 63, 68(A) of the Copy Right
Act.

3. The police on an information conducted a raid and
a huge number of CDs/DVDs and cassettes of obscene/vulgar
films were recovered. The apprehended persons disclosed the
name of the petitioner as one of the shop owner from where they
had purchased cassettes/CDs/DVDs.

4. It is submitted on behalf of the petitioner that



except the statement of the apprehended person before the police, there is no other material suggesting the complicity of the petitioner. Moreover, the petitioner does not have any such kind of shop nor there is any prior complaint against the petitioner, that apart the petitioner bears fair antecedent. He lastly submits that in fact as the petitioner was not knowing about the institution of the present case and there had never been any summons issued against him, thus the delay has occurred.

5. On the other hand, learned counsel for the State vehemently opposes the bail application and submits that from the narratives of the FIR, it is evident that the apprehended person disclosed the name of the petitioner as the person from whose shop Cds/DVDs and other incriminating materials have been purchased.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the present case is of the year 2012 wherein the petitioner is named accused, this Court is not persuaded to accede to the prayer of the petitioner and, as such, the same stands rejected. However, if the petitioner surrenders before the court below, preferably within a period of four weeks from today, the learned



jurisdictional court shall consider the case of the petitioner
without being prejudiced by the order of this Court and pass
appropriate order expeditiously.

(Harish Kumar, J)

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