

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20721 of 2024

Arising Out of PS. Case No.-115 Year-2021 Thana- ROSERA District- Samastipur

Md. Mukhtar Son Of Late Chhedi Miyan Resident Of Village- Fakirana, Ward
No. 7, Ps- Rosera, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Om, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr. Om Prakash Om, learned counsel for
the petitioner and Mr. Awadhesh Kumar Singh, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Rosera P.S. Case No. 115 of 2021, F.I.R. dated 07.04.2021 for the offences punishable under Sections 272, 273 and 420 of the Indian Penal Code, Sections 63 and 64 of Copyright Act and Sections 103 and 104 of the Trade Mark Act, 1999.

3. According to prosecution case, tenant of the petitioner is alleged to have been selling the duplicate of Nihar Natural Oil and Dettol Hand Sanitizer.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that as per the allegation in the F.I.R this petitioner is alleged to have manufactured duplicate Nihar Natural Oil and Dettol Hand Sanitizer. He further submits that in fact the petitioner was not named in the F.I.R and the name of the petitioner has been transpired during investigation and in fact one Md. Rizwan was doing the business in the house of the petitioner and the said recovery has been made from the room of Md. Rizwan.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Rosera P.S. Case No. 115 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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