

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 53401 of 2024

Arising Out of PS. Case No.-154 Year-2024 Thana- NASRIGANJ District- Rohtas

Aklakh Ahmad S/O Late Shah Mohammad R/O Mohalla-Postal Road,Narsiganh,PS-Narsiganj, Distt-Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Adv. Mr. Alexander Ashok, Adv. Ms. Akanksha Malviya, Adv.
For the Opposite Party/s	:	Mr. Umanath Mishra, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420 of the Indian Penal Code and Section 63 of the Copyright Act.

3. The prosecution case, in brief, is that on 27.04.2024 at about 11.10 AM, the informant along with one Devbroto Biswas raided the shop of the petitioner and found 2 piece of packed sewing machines and 2 piece of empty boxes, which are claimed to be duplicate.

4. It is submitted by learned senior counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever



taken place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. The private person, who claims to be investigating officer of a company has got no authority for search of any shop, rather the police/government officials are the only authority, who are empowered for conducting any search. There is violation of Section 100 Cr.P.C. He further submits that the petitioner has shop of repairing of sewing machine. Neither any person ever came to know about sewing machine nor any authority or even informant came to the shop of the petitioner. The real fact is that the fake seizure list has been prepared by the informant himself, which was produced before the police and the police officials have received the same having no independent/police official witness. Learned senior counsel further submits that the alleged Section 63 of the Copyright Act is bailable, whereas Section 420 of the Indian Penal Code is not applicable against the petitioner. It is further submitted that petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case as well as considering the fact that the petitioner has shop



of repairing of sewing machines, the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Nasriganj P.S. Case No. 154 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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