

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84177 of 2023

Arising Out of PS. Case No.-312 Year-2023 Thana- PARSABAZAR District- Patna

Ram Pravesh Bind (Male) Aged About 52 Years, Son of Late Malarat Bind,
Resident of Village - Anatpur, Police Station - Ghosi, District- Jehanabad. At
present Eatwarpur, P.s.- Parsa Bazar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-01-2024 Heard Mr. Dharendra Kumar Sinha, learned counsel

appearing on behalf of the petitioner and Mr. Surendra Prasad

Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Parsa Bazar P.S. Case No. 312 of 2023 dated 05.07.2023
registered for the offence punishable under Sections 419, 420,
34 of the Indian Penal Code and Section 63 and 65 of the
Copyright Act.

3. As per the allegation made in the FIR, the petitioner
has violated the Copyright for having used the product namely
C.P.V.C. Flow Guard Pipe and Supreme Gold water tank. FIR
has been lodged on behalf of the IP Investigation and Detective
Service Pvt. Ltd.



4. Learned counsel appearing on behalf of the petitioner submitted that no seizure list was prepared in presence of the petitioner and the information as gathered by a private company will not amount that the petitioner has misused the name of the product in any manner and, as such, there is no violation of any of the terms and conditions by the petitioner with the original company, who had supplied the C.P.V.C. Flow Guard Pipe and Supreme Gold water tank. Petitioner has clean antecedent. On these grounds he further submits that no case of cheating is made out and seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation and the fact that the FIR has been lodged by private investigating company, namely, IP Investigation and Detective Service Pvt. Ltd., which has been authorised by the original company and the name of the private company, whose Copyright is alleged to have been violated by the petitioner, has not been named in the FIR. Only the name of the product, namely, C.P.V.C. Glow Guard Pipe and duplicate tank of Supreme Gold. The original company has also not lodged the FIR, nor FIR bears signature of the original company. I am of the opinion that petitioner has, *prima facie*,



made out a case to be released on bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four 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 learned Judicial Magistrate 1st Class, Patna, in connection with Parsa Bazar P.S. Case No. 312 of 2023 dated 05.07.2023, subject to the condition that petitioner must file an affidavit along with the agreement to sale the product of C.P.V.C. Flow Guard Pipe and the Supreme Gold Water Tank with the original company, who manufactures the same and other conditions as laid down under Section 438(2) of the Cr.P.C.

8. **The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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