

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3204 of 2024

Arising Out of PS. Case No.-205 Year-2023 Thana- KHAIRA District- Jamui

1. GOPAL MODI SON OF HURO MODI RESIDENT OF VILLAGE - KHAIRA BAZAR, P.S. - KHAIRA, DISTRICT - JAMUI
2. DINANATH BHAGAT SON OF SATNARAYAN BHAGAT RESIDENT OF VILLAGE - KHAIRA BAZAR, P.S. - KHAIRA, DISTRICT - JAMUI
3. LAKSHMI GUPTA @ LAKSHMI MODI SON OF JAY NARAYAN GUPTA RESIDENT OF VILLAGE - KHAIRA BAZAR, P.S. - KHAIRA, DISTRICT - JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjana Parihar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioners and the State.

2. The petitioners are apprehending arrest in connection with Khaira P.S. Case No. 205/203 instituted under Sections 406 and 420 of the Indian Penal Code and sections 65, 66 of the Copy Right Act, 1957 lodged on 6.5.2023 by the informant,Vishal Mandal.

3. As per the prosecution story, the informant who is a Field Officer of R.K. and Associates Company alleged that they are in the business of manufacturing of Roxy Fan and it was found that duplicate fans are being sold by Khushboo Watch, Muskan Electric and Electronics and Neelam Electric causing huge financial loss to the Company as it was also affecting the



reputation of the Company and the Government was the biggest loser of the said act and with the help of the police, the shops were raided and duplicate Roxy Fans were recovered/seized. Accordingly, the FIR.

4. During the pendency of the petition, the petitioner no.1, Gopal Modi was arrested and accordingly, the same was dismissed as being infructuous vide an order dated 7.2.2024 by a coordinate bench.

5. Learned counsel for the petitioners submit that due to misunderstanding, the allegation has come against these two petitioners no. 2 and 3, they are in regular business and in any case, both are ready to pay a sum of Rs. 1,00,000/- each to the Company by Demand Draft issued in the name of Company irrespective of the outcome of the present case and/or accepting the allegation.

6. Learned APP on the other hand opposes the prayer stating that due to this duplicate sell of fans, ultimately, it is the people who loose their hard earned money beside the Company and the State.

7. Though, considering the allegation, this Court earlier was not inclined to extend any relief, in view of the fact that FIR lodged, they will have to face the trial, both do not



have criminal antecedents, the relief is extended to them subject to payment of Rs. 1,00,000/- each to the Company by Demand Draft issued in the name of Company. The Demand Draft/Bank Draft of Rs. 1,00,000/- each has to be submitted by the concerned Court at the time of execution of bail bond and the same shall be handed over to the Company through its authorized representative.

8. Let the petitioner no.2 Dinanath Bhagat and petitioner no.3 Lakshmi Gupta @ Lakshmi Modi be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Khaira P.S. Case No. 205/2023 to the satisfaction of learned Chief Judicial Magistrate, Jamui subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner no.2 Dinanath Bhagat and petitioner no.3 Lakshmi Gupta @ Lakshmi Modi who shall provide official document to show his/her bona fide;

(ii) the petitioner no.2 Dinanath Bhagat and petitioner



no.3 Lakshmi Gupta @ Lakshmi Modi shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner no.2 Dinanath Bhagat and petitioner no.3 Lakshmi Gupta @ Lakshmi Modi shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioner no.2 Dinanath Bhagat and petitioner no.3 Lakshmi Gupta @ Lakshmi Modi shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner no.2 Dinanath Bhagat and petitioner no.3 Lakshmi Gupta @ Lakshmi Modi shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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