

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24571 of 2025

Arising Out of PS. Case No.-399 Year-2024 Thana- KHAGARIA District- Khagaria

Pintu Kumar @ Pinku Kumar S/o Suresh Prasad @ Suresh Tanti R/o Ward
No.- 20, Laxmi Tokies, P.S.- Khagaria, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nitin Kumar, Advocate

For the State : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Khagaria P.S. Case No. 399 of 2024 for the offence registered under Sections 318(4) of BNS as well as Section 63 of the Copy Right Act, 1957 lodged on 03.08.2024 by the informant Tikeshwar Nath Jha .

3. As per the prosecution story, the informant alleged that he has been authorised to investigate BOSCH limited's duplicate products and to take legal action against them. After market survey, it came to notice that some of the shopkeepers are selling BOSCH company's duplicate product. The police was informed and thereafter number of shops were raided. So far as this shop, namely, Poonam Trading Co. is concerned, there is recovery/seizure of 42 pieces Nozzel and this led to the FIR.

4. Learned counsel for the petitioner submits that he is the staff of the said shop and had no knowledge that the products



are duplicate. Actual owner of the shop is Amar Kumar. He does not have criminal antecedent and the last submission is that without accepting the allegation and/or the outcome of the present case he intends to pay Rs. 10,000/- to the BOSCH Company through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail by submitting that he is owner but is shifting responsibility on Amar Kumar.

6. Considering the submissions of the parties as also the categorical statement made by the learned counsel for the petitioner that he is a staff, the actual owner is Amar Kumar and this petitioner has no criminal antecedent, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 10,000/- to the BOSCH Company through Demand Draft issued by the local branch of the State Bank of India.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 399 of 2024



subject to condition as laid down under Section 438 (2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show is *bona fide*;

(ii) the petitioner 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 his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner 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 shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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