

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36817 of 2025

Arising Out of PS. Case No.-252 Year-2025 Thana- SITAMARHI District- Sitamarhi

Nand Kishor Prasad S/O Shankar Prasad R/O village - Old Exchange Road
ward no. 18, Lahri Patti Sitamarhi @ ward no. 18 Sitamarhi Purani Exchange
road Laheri Patti Bhabdepur, P.S.- Sitamarhi, Dist.- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dal Singh Chauhan S/O Madan Singh Chauhan @ Madan Singh R/O Vill.-
Anepur Ward no. 26, P.s.- Oraiya @ Auraiya, Dist.- Uttar Pradesh

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Advocate
For the Opposite Party/s	:	Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-06-2025 Heard Mr. Santosh Kumar, learned counsel for the

petitioner and Mr. Mohammed Arif, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Sitamarhi P.S. Case No. 252 of 2025, F.I.R.
dated 28.03.2025 for the offences punishable under Sections
318(3) of the Bhartiya Nyay Sanhita, 2023 and 63,65 of Copy
Right Act.

3. As per the First Information Report, the informant
alleged that the petitioner illegally manufactured Mehendi by
tampering with the trademark and copy right of informant's
company which is in the name of Kaveri.



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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. The petitioner has used the same wrap which is similar to the Kaveri Box and apart from that in Kaveri Mehendi cone it is mentioned *Kushiya se Bhar de Gehra Rang* and in the wrap of the petitioner it is mentioned *Khushiya Bhar de Gehra Rang* and it appears that there is no similarity in both, so no case is made out under Copy Right Act.

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

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and there is no similarity in of both the Mehendi cones, 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 C.J.M., Sitamarhi in connection with Sitamarhi P.S. Case No. 252 of 2025, subject to the conditions



as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 bond 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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