

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72328 of 2023

Arising Out of PS. Case No.-422 Year-2022 Thana- SUPAUL District- Supaul

1. SONU JAISWAL @ SONU KUMAR S/O BHOLA CHOUDHARY R/O MOHALLA- WARD NO. 11, MAHABIR CHOWCK, P.S- SUPAUL, DISTT.- SUPAUL.
2. SURAJ NARAYAN GUPTA @ SURYA NARAYAN GUPTA S/O MAHADEV PRASAD GUPTA R/O- MAHABIR CHOWCK, WARD NO. 12, SUPAUL, P.S- SUPAUL, DISTT.- SUPAUL.
3. DHEERAJ KUMAR S/O RADHA KRISHANA CHAUDHARY R/O- MAHABIR CHOWCK, WARD NO. 12, SUPAUL, P.S- SUPAUL, DISTT.- SUPAUL.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 19-04-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. This is the second attempt of the petitioner to obtain pre-arrest bail in connection with Supaul P.S. Case No.422 of 2022, registered for the offences under Section 63 of Copy Right Act.

3. Earlier the prayer of pre-arrest bail of the petitioners was rejected vide order dated 11.08.2023 passed in Cr. Misc. No.47377 of 2023.

4. Learned counsel for the petitioners submits that earlier four persons have moved before this Court for grant of anticipatory bail which was rejected by this Court whereafter,



one of them had gone to the Hon'ble Supreme Court in Spl. Leave to Appeal No.10527 of 2023 (Vinod Kumar vs. State of Bihar) in which by an interim order the arrest of the said petitioner was stayed on the condition that he shall cooperate with the investigation. Later on when the Hon'ble Supreme Court found that the petitioner was not called upon to participate in the investigation, the interim order has been made absolute. This has been taken as a ground for filing of second anticipatory bail application before this Court on behalf of the other persons who had not moved to the Hon'ble Supreme Court.

5. The prayer of the petitioners has been opposed by the learned APP for the State. Learned APP submits that in para-94 of the case diary, it has been recorded that the case has been found true against all the accused persons under Section 63 of the Copy Right Act, 1957 and in past, the I.O. had served notice under Section 41(1) upon all the FIR named accused persons by which they were asked to appear before the Court and get bail.

6. At this stage, learned counsel for the petitioners submits that the sentence prescribed for the offence alleged against the petitioners would be a maximum period of three years of imprisonment and fine of not less than Rs.50,000/-.

7. Having regard to the facts and circumstances of the case



from which it appears that during the investigation police has not called upon the petitioners to participate in the investigation. However, at this stage the case has been found true against them, considering the maximum period of sentence prescribed for the offence alleged, this Court is of the opinion that the case of the petitioners would be covered by the judgment of the Hon'ble Supreme Court in the case of **Satender Kumar Antil vs. C.B.I. & Anr. (2022) 10 SCC 51**.

8. The petitioners if so advised may surrender before the learned Court in which the case is pending within a period of four weeks from today and apply for regular bail which shall be considered on its own merit keeping in view the judgment of the Hon'ble Supreme Court in Satender Kumar Antil's case. The learned Court shall not be prejudiced by the fact that earlier the prayer for anticipatory bail of the petitioners has been refused by this Court.

9. This application is disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

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