

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75960 of 2024

Arising Out of PS. Case No.-397 Year-2023 Thana- GAURICHAK District- Patna

Sumit Kumar S/o- Late Ram Swaroop Lal R/o- Adarsh Colony, Road No-3,
Khemnichak, P.S. Ram Krishna Nagar, District- Patna Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachina, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-04-2025 Heard Mr. Sachin, learned counsel for the petitioner and Mr. Zainul Abedin, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Gaurichak P.S. Case No. 397 of 2023, F.I.R. dated 12.07.2023 for the offences punishable under Sections 419, 420, 467, 468, 471 and 34 of the Indian Penal Code, Section 63 of the Copy Right Act and Sections 103 and 104 of the Trade Mark Act.

3. According to prosecution case, the informant is running a rice mill in the name of Style of Nilkanth Rice Mill Pvt. Ltd. The registered brand of the rice mill is Beauty Queen and recently the business in market is going very low so the informant enquired in the market.

4. Learned counsel for the petitioner submits that petitioner is innocent 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. in fact, the petitioner is a trader and it appears from the seizure list that no rice has been recovered from the place of the petitioner in fact, the petitioner is not the owner of any rice mill rather he is trading in food grains and he is proprietor of Srijan Traders and the has never sold any bag of rice in the name of the Beauty Queen through any body.

5. The learned Additional Public Prosecutor, on the other hand, on the basis of the material available on record and the on the basis of the case diary has vehemently opposed the prayer for bail of the petitioner submits that the petitioner carries one criminal antecedent other than the present one apart from that it appears from the seizure list that number of empty bags were recovered from the place of the petitioner in the name of the Beauty Queen and others also.

6. Considering the aforesaid facts and circumstances, 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 Additional Chief Judicial Magistrate-VI, Patna City in connection with Gaurichak

P.S. Case No. 397 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 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 bonds 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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