

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77728 of 2024

Arising Out of PS. Case No.-310 Year-2024 Thana- FATUA District- Patna

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Sunil Kumar S/o Late Amirat Sharma @ Late Amirak Sharma R/o Village-
Govindpur Post - Bhadaur, PS- Fatuha, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Dhananjay Kumar, Adv.
For the State	:	Mr. Nawal Kishore Prasad, APP.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 09-05-2025 Heard Mr. Krishna Prasad Singh, learned senior counsel for
the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 420, 120B of the
Indian Penal Code and Section 63/65 of the Copyright Act and
Section 103/104 of the Trademark Act.

3. There is an allegation in the FIR that the petitioner has
committed breach of Trademark and Copyright Act and has used
the brand name of Jindal India Ltd. in its products of
manufacturing *karkat*.

4. Learned senior counsel for the petitioner submits that the
allegations levelled against the petitioner are totally false and
based on concocted facts. He is neither the producer/manufacturer
nor the distributor of the alleged duplicate products of the alleged



brand. It is further submitted that the FIR itself would make it clear that upon enquiry by police from one Mantu Kumar from the Sunil Karkat house, it had been disclosed that they used to get all these duplicate products from a shop named Tirupati situated at the bypass road. It also emerges from the case diary that the petitioner is not the manufacturer of the goods in question and does not even have any godown for storage of the goods. This would make it clear that Sunil Kumar (petitioner), who is the owner of the Sunil Karkat house, which is a small shop, has not indulged in breaching the Trademark and Copyright Act as he has not indulged in using the brand name of Jindal India Ltd. It is also submitted that the provisions of Copyright Act are bailable in nature and Section 420 of the Indian Penal Code would not be made out against the petitioner in the present set of facts.

5. Learned APP for the State opposes the prayer for anticipatory bail.

6. In view of the aforesaid facts and circumstances, I am inclined to grant the privilege of anticipatory bail to the petitioner, who has no criminal antecedent. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 learned



Additional Chief Judicial Magistrate-I, Patna City in connection with Fatuha P.S. Case No. 310 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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