

IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE-II
DISTRICT-Katihar
(A.B.P. No. 596/2026)

In the matter of

1. Md. Hussain aged about 39 years S/o Md. Mustak

2. Md. Hasnain aged about 24 years S/o Md. Jalal

Both are R/o- Vill- Basuhar Majdiya, P.S. Kursela, District- Katihar.

.....Accused/petitioners.

Vs

State of Bihar.....Opposite Party.

Kursela P.S. case no. 115/2026

U/S- 63 of Copy Right Act

Ld, advocate for petitioner- Shri Arun Kumar Jha

Ld, A.P.P. for the State- Shri Md. Azaj Alam

ORDER

04.06.2026- This anticipatory bail petition has been filed on the behalf of accused-petitioners namely Md. Hussain and Md. Hasnain who are apprehending their arrest in connection with aforesaid case.

Heard the ld. counsel Shri Arun Kumar Jha appearing on the behalf of the petitioners and Ld. A.P.P. Shri Md. Azaj Alam on the behalf of the state.

According to F.I.R. the prosecution case in brief is that informant to this case namely Satish Chandra Operation Manager of T.V.S. motors company lodged a written report before S.H.O. Kursela stating therein that he received a confidential information to this effect that in the jurisdiction of police station Kursela some shopkeepers are selling the counterfeit parts of T.V.S. motor company then on such information along with his other associates as well as police force of Kursela went at the shop of Md. Hasnain S/o Md. Jalal (accused-petitioner) and on search said shop they recovered counterfeit break-shoe 04 set and two pieces of Sterring cone and said article was seized. After that they went at the shop of Md. Hussain S/o Md. Mustaque (accused-petitioner) and the said shop was searched then two pieces counterfeit filter holder camp RTR, 04 pieces filter camp engine oilor TR, 03 piece break-shoe and 03 piece clutch plate drive Achape RTR were recovered. Later on, seizure list of the said recovered articles was prepared and later on case was registered against the petitioners.

On the other side learned counsel for the petitioners has reiterated all the grounds taken in the bail petition and has submitted that the petitioners are quite innocent and they have committed no offence and have falsely been implicated in this case due to village politics. He has further submitted that the allegation levelled against the petitioners are absolutely false and fabricated and the petitioners are small shopkeepers of motor parts and they never sold the fake

parts of the motor and being a small shopkeeper, the petitioners take the motor parts from some one for selling in shop but they are not any knowledge about the fake motor parts which is alleged in the F.I.R. He has further submitted that the petitioners have been made scapegoat in this case due to village politics and the sections as levelled against them are not attracted against the petitioners. Accused-petitioners have got no criminal history. Accordingly, it has been prayed to allow the said anticipatory bail petition.

Per contra, learned A.P.P. has vehemently opposed the prayer for anticipatory bail and has submitted that both petitioners are involved in the business of counterfeit/fake T.V.S. motor parts. So, accused-petitioners do not deserve for anticipatory bail.

Heard the both parties and perused the case record from the perusal of case record it is evident that there is allegation against the petitioners that they are involved in the illegal business of selling of counterfeit T.V.S. motor parts. Further, several counterfeit/fake motor parts have been allegedly recovered from the both shop of the accused-petitioners. Moreover, the investigation of this case is still pending against the both petitioners. While the source of manufactured and supply of such counterfeit T.V.S. motor parts is yet to be unearthed. Moreover, the custodial interrogation of the petitioners appears to be necessary to ascertain the identity of such persons who are involved in the manufacturing and distribution of such counterfeit goods. Furthermore, the alleged activities not only infringe the intellectual property rights but also caused loss to the legitimate business of the concerned company as well as revenue to the state.

So, having considered the above facts as well as submissions made by Ld. A.P.P., I am not inclined to grant the privilege of anticipatory bail to the aforesaid accused-petitioners. Hence, this anticipatory bail petition filed on behalf of the accused-petitioners namely Md. Hussain and Md. Hasnain is hereby rejected.

**Addl. Sessions. Judge-II
Katihar**

**Memo No..... Dated.....
Copy forwarded to, Katihar.**

**Addl. Sessions. Judge-II
Katihar**

Date of Order	04.06.2026
Date of Reserving Order	N/A
Uploading Date	19.06.2026
Uploaded By	Prakash Kumar Singh, Steno D.A.S.J.-II, Katihar

Kursela case no. 115/2026
U/S 63 of Copy Right Act
Accused Name- Md. Hussain and Md. Hasnain
P.O.-Asutosh Rai. A.S.J.-II, Katihar
A.B.P. NO. 596/2026

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