

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11831 of 2017

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Rabindra Bihari @ Rabindra Bharti, S/o Sri Bipin Bihari Karan C/o Sri Radhey Lal, New Alkapuri, Near Sanajay Kirana Store, P.S.- Gardanibagh, Distt.- Patna.

.... Petitioner

Versus

1. State of Bihar.
2. Sunil Kumar Dutta, Prop. M/s Shiven Enterprises, A/6A, Kankarbagh, Patna- 20, P.S. Kankarbagh, District- Patna.
3. Manish Singhal, S/o O.P. Agarwal, Managing Director, M/s Telesia Chem @ Food (India) Private Limited, 3d Floor, Saran Chamber-II, 5 Park Roadk, Lucknow- 226001.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Sri Matloob Rab, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2017 Heard the parties.

The present application has been filed for modification of the order dated 02.02.2015 passed in Cr. Misc. 30854 of 2012 to the extent of extending the period of surrender and deposit of undertaken amount of ₹1,00,000/-.

The petitioner was granted provisional anticipatory bail in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 420 of the Indian Penal Code.

The prosecution case is that the complainant gave ₹3,00,000/- to the petitioner for appointment as Super Distributor



of a Firm namely M/S Telesia Chemical & Food (India) Private Limited but neither the complainant was appointed as Super Distributor of the Firm nor the money was returned.

It is submitted by the learned counsel for the petitioner that the petitioner was Area Sales Manager of the M/S Telesia Chemical & Food (India) Private Limited and the money, if any, it was deposited in the account of the above company, hence no offences under Section 420 IPC is made out against the petitioner.

The petitioner was granted provisional anticipatory bail for three months on his readiness to deposit of ₹1,00,000/- within a period of three months before the learned court below when the provisional bail was to be confirmed on the deposit of the same.

Since the petitioner was granted provisional anticipatory bail for three months on 02.02.2015 and the present modification application has been registered on 07.03.2017 after more than two years of the passing of the order and after lapse of period of provisional bail, this Court is not inclined to interfere. However, keeping in view of the nature of the accusation and the stand of the petitioner to deposit ₹1,00,000/- before the learned court below, it is a case for consideration of bail by the learned court below if the petitioner surrenders within a period of six



weeks in connection with Complaint Case No. 2987C of 2010
pending in the court of learned JM, 1st Class, Patna.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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