

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11947 of 2016

Arising Out of PS. Case No.-89 Year-2015 Thana- BIRAUL District- Darbhanga

1. Pitambar Acharya and Ors S/o Late Bhatu Acharya
2. Govind Acharya S/o Pitambar Acharya
3. Ashutosh Acharya S/o Govind Acharya
4. Pankaj Acharya S/o Pitambar Acharya All residents of village - Balia, P.S. - Biraul, District - Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Jha

For the Opposite Party/s : Mr. Ram Shankar Dasspl.App

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. Learned counsel for the petitioners, after some arguments, seeks permission to withdraw the quashing application as it has been submitted by the learned A.P.P. for the state that the present quashing application is not maintainable in view of order dated 09.08.2023 in Cr. Appeal S.J. No. 4792 of 2018 Suman Mahto Vs. The State of Bihar along with other analogous cases wherein the Hon'ble Division Bench of this Court at Para 13 has recorded as:

3. *The decision rendered in the case of Girish Kumar Suneja (supra) clearly lays down that an order taking*



cognizance is not an 'interlocutory order' rather an intermediate order. Taking a cue from Girish Kumar Suneja (supra), we have no hesitation in coming to a definite conclusion that an order taking cognizance passed under the Act is not an 'interlocutory order' rather an 'intermediate order' and, therefore, appealable Patna High Court CR. APP (SJ) No.4792 of 2018 dt.09-08-2023 39/48 under Section 14A of the Act.

4. Permission is accorded.

5. Learned counsel for the petitioners, at this stage, submits that the office be directed to return all the certified copies appended with the quashing application.

6. The office is directed to return all the certified copies appended with the present quashing application to the learned counsel for the petitioners as it has been submitted that the petitioners will avail their remedies in accordance with law.

(Satyavrat Verma, J)

HarshPandey/-

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