

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9684 of 2016

Arising Out of PS. Case No.-49 Year-2015 Thana- SHAHPUR PATORI District- Samastipur

1. HARI BANSI PRASAD RAI @ HARI BANSI RAI and Ors Son of Sri Brij Bilash Rai Both resident of Village-Jalalpur P.s Patori Mohanpur District Samastipur.
2. Shankar Rai@Shiv Shankar Rai son of Ramdeo Rai
3. Rajo Rai son of Arjun Rai Resident of Village Sarhad, Madho Ps. Patori Mohanpur district Samastipur.
4. wakil Rai@Wakil Mahto Son of Nabuddi Mahto Both resident of Village-Jalalpur P.s Patori Mohanpur District Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey, Advocate
For the Opposite Party/s : Mr. Ram Shankar Das, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

2. The learned counsel for the petitioners, after some arguments, seeks permission to withdraw the quashing application with liberty to file a criminal appeal under Section 14A of the SC/ST Act.

3. The learned counsel for the petitioners very fairly submits that the Hon'ble Division Bench of this Court in Criminal Appeal (SJ) No. 4792 of 2018 (Suman Mahto Vs. The State of Bihar) along with other analogous cases at Para-13 has held that- 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, 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 is an 'intermediate order', and therefore, appealable under Section 14A of the Act. Since the order taking cognizance is an intermediate order as held by the Hon'ble Division Bench in Criminal Appeal (SJ) No. 4792 of 2018 (Suman Mahto Vs. The State of Bihar) against which an appeal lies under Section 14A of the SC/ST act.

4. Permission is accorded.

5. However, at this stage, the learned counsel for the petitioners submits that the certified copies filed in the present quashing application may be returned.

6. The office is directed to return the certified copies to the learned counsel for the petitioners filed in the present quashing application.

(Satyavrat Verma, J)

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