

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43351 of 2017

Arising Out of PS. Case No.-32 Year-2016 Thana- SC/ST District- Jehanabad

Ashis Kumar @ Golden Son of Nagendra Yadav, Resident of Village-Naya Tola, P.S. Jehanabad, Dist.-Jehanabad

... .. Petitioner/s

Versus

1. State Of Bihar
2. Rajesh Kumar Son of Ramanand Chaudhary, Resident of Village-Naya Tola, P.S. Jehanabad, Dist.-jehanabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-11-2023 1. Heard learned counsel for the petitioner and learned APP for the State.

2. Learned APP for the State, Mr. Chandra Bhushan Prasad, at the outset, submits that the quashing application is not maintainable in view of the order passed by 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. It is further submitted that the Hon'ble Division Bench, at para-13, has held that the 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.

3. The learned APP for the State next submits that the present quashing application has been filed seeking quashing of the order dated 06.04.2017 passed by the learned Additional Sessions Judge 1st, Jehanabad in connection with SC/ST Jehanabad Special Case No. 32 of 2016 whereby cognizance of offenses under section 341, 323, 504, 307 and 34 of the IPC read with section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act has been taken. It is next submitted that since cognizance has been taken under the SC/ST Act as such the same is appealable.

4. The learned counsel for the petitioner, at this stage, seeks permission to withdraw the quashing application with liberty to move before an appropriate forum in accordance with law.

5. Permission is accorded.

6. The learned counsel for the petitioner, at this stage, submits that certified copies filed in the present quashing application may be returned.



7. The office is directed to return the certified copies
to the learned counsel for the petitioner.

(Satyavrat Verma, J)

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