

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43192 of 2017**

Arising Out of PS. Case No.-82 Year-2015 Thana- DALSINGHSARAI District- Samastipur

Bogan Thakur @ Vikash Kumar Son of Uma Shankar Thakur Village Dihpul Pagra,
Police Station Dalsingsarai, District Samastipur. Petitioner/s
Versus

1. State Of Bihar
2. Madresh Paswan Son of Late Yogendra Paswan Village Keota Kothi Pul Pagra, Police
Station Dalsingsarai, District Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Chandra Bose, Adv
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, 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 next submits that the present quashing application has been filed seeking quashing of the order dated 26-4-2017 passed by the learned ACJM Dalsingsarai in connection with Dalsingsarai PS Case No. 82 of 2015, whereby cognizance of offenses under section 341, 323 and 504 of the IPC read with section 3(1)(x) of the SC/ST 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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