

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34781 of 2023

Arising Out of PS. Case No.-186 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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1. SUBODH PRATAP SINGH SON OF UMAKANT SINGH RESIDENT OF VILLAGE- SSP HEAD POST OFFICE, CHHAPRA PS CHHAPRA TOWN DISTRICT SARAN R/O CHAUBEY TOLA PS- CHANPATIYA (KUMBARBAGH OP) DISTT- WEST CHAMPARAN
 2. AMOD SINGH @ AMOD KUMAR SON OF RAM CHARITRA CHAUDHARY RESIDNET OF VILALGE- ASP HEAD POST OFFICE CHHAPRA, SARAN , PS CHHAPRA TOWN DISTRICT SARAN R/O VILLAGE- SISAUNI, PO- MOKAMAGHAT, PS- MOKAMA DISTT- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. MAMTA KUMARI WIFE OF LATE NARESH HARIJAN R/O VILLAGE- CHAIKUL, PS- MANJHI, DISTT- SARAN, CHAPRA PRESENT ADDRESS- POSTMAN, MAIN POST OFFICE, CHHAPRA, PS- CHHAPRA TOWN, DISTT- SARAN , CHHAPRA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-09-2023 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The learned counsel for the petitioners, at the outset, very fairly submits that in Criminal Appeal (SJ) No. 4792 of 2018 Suman Mahto Vs. State of Bihar along with analogous cases, the Hon'ble Division Bench of this Court at Para-13 has clearly held that an order taking cognizance passed under the SC/ST is not an interlocutory order, rather an



intermediary order and therefore appealable under Section 14A of the SC/ST Act.

3. The learned A.P.P. for the State, Mr. Chandra Bhushan Prasad, thus, submits that since the order, under challenge, in the present quashing application is appealable, as such, the quashing application is not maintainable.

4. Considering the submission made by the learned counsel for the parties, the present quashing application is dismissed.

5. However, the same would not preclude the petitioners from seeking their remedies available in law in accordance with law and limitation, if any, shall be decided on its own merit keeping in view the fact that petitioners were pursuing their remedy before this Court since 22.05.2023.

6. The certified copies annexed with the present application be returned to the learned counsel for the petitioners.

(Satyavrat Verma, J)

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