

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44321 of 2023**

Arising Out of PS. Case No.-155 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE  
District- Samastipur

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1. CHANDRIKA PRASAD RAI @ CHANDRIKA RAI @ CHANDRIKA ROY SON OF LATE RAM LOCHAN ROY R/O VILLAGE- JITWARIYA, PS- KALYANPUR, DIST- SAMASTIPUR
  2. SUNIL RAI @ SUNIL ROY @ SUNIL KUMAR SON OF CHANDRIKA PRASAD RAI @ CHANDRIKA RAI @ CHANDRIKA ROY R/O VILLAGE- JITWARIYA, PS- KALYANPUR, DIST- SAMASTIPUR
  3. RAJA RAI @ RAJA ROY @ RAJA KUMAR SON OF CHANDRIKA PRASAD RAI @ CHANDRIKA RAI @ CHANDRIKA ROY R/O VILLAGE- JITWARIYA, PS- KALYANPUR, DIST- SAMASTIPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAM PUKAR SADA SON OF LATE SANICHAR SADA R/O VILLAGE- JITWARIYA, PS - KALYANPUR, DIST- SAMASTIPUR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate  
For the Opposite Party/s : Mr. Sadanand Paswan, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      06-09-2023                      1. Heard learned counsel for the petitioners and  
learned A.P.P. for the State.

2. Learned counsel for the petitioners very fairly submits that the Hon'ble Division Bench of this Court in Cr. Appeal (SJ) No. 4792 of 2018 (Suman Mahto Versus 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 Vs. Central Bureau of Investigation** reported in (2017) 14 SCC 809 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 under Section 14A of the SC/ST Act.

3. Since the order taking cognizance is an intermediate order as held by the Hon’ble Division Bench in Cr. Appeal (SJ) No. 4792 of 2018 (Suman Mahto Versus The State of Bihar) against which an appeal lies under Section 14A of the SC/ST Act, as such, learned counsel for the petitioners seeks permission to withdraw this application with liberty to file an appeal in accordance with law.

4. Permission is accorded.

5. Accordingly, this application is dismissed as withdrawn.

6. Learned counsel for the petitioners submits that the certified copies filed in the present application may be returned.

7. The Office is directed to return the certified copies filed with the present application to the learned counsel for the petitioners.

8. The limitation, if any, shall be considered on its



own merit and also taking into consideration the fact that  
petitioners were before this Court since 11.07.2023.

**(Satyavrat Verma, J)**

Kundan/-

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