

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52912 of 2023

Arising Out of PS. Case No.-43 Year-2014 Thana- SC/ST District- Sitamarhi

MANISH KUMAR JHA @ MANISH JHA SON OF UDAY KANT JHA @
UDAY JHA RESIDENT OF VILLAGE- HARSINGPUR, PS-
RUNNISAIDPUR, DISTRICT- SITMARHI

... .. Petitioner/s

Versus

1. The State of Bihar
2. NAGINA DEVI WIFE OF CHHEDI BAITHA RESIDENT OF VILLAGE-
HARSINGPUR, PO- MANIKCHOWK, PS- RUNNISAIDPUR, DISTRICT-
SITMARHI

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abu Nasar, Advocate
For the Opposite Party/s : Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

2. The learned counsel for the petitioner, after some arguments, seeks permission to withdraw the quashing application with liberty to raise all issues in appeal as it has been fairly submitted by the learned counsel for the petitioner 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, as such the learned counsel for the petitioner seeks permission to withdraw the quashing application with liberty to file an appeal in accordance with law.

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

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

(Satyavrat Verma, J)

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