

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53773 of 2023

Arising Out of PS. Case No.-286 Year-2021 Thana- SARAN COMPLAINT CASE District-Saran

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1. UMA SHANKAR SINGH Son of Late Wakil Singh Resident of Village-Dhor Lahi, P.S.-Amnaur, District-Saran.
 2. UMESH KUMAR SINGH @ UMESH SINGH Son of Late Wakil Singh Resident of Village-Dhor Lahi, P.S.-Amnaur, District-Saran.
 3. KUNDAN KUMAR SINGH @ KUNDAN SINGH @ KUNDAN KUMAR Son of Uma Shankar Singh Resident of Village-Dhor Lahi, P.S.-Amnaur, District-Saran.
 4. KUNAL KUMAR SINGH @ KUNAL KUMAR @ SONU KUMAR Son of Uma Shankar Singh Resident of Village-Dhor Lahi, P.S.-Amnaur, District-Saran.
 5. AMIT KUMAR SINGH @ AMIT KUMAR @ RAJA KUMAR Son of Umesh Kumar Singh Resident of Village-Dhor Lahi, P.S.-Amnaur, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. DINESH MANJHI Son of Manager Manjhi Resident of Village-Dhorlahi Kaithal, P.S.-Amnaur, District-Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Sinha, Advocate
For the Opposite Party/s : Ms. Usha Kumari 1, A.P.P.

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 10.08.2023.

(Satyavrat Verma, J)

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