

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61 of 2024

Arising Out of PS. Case No.-78 Year-2016 Thana- DEHRI TOWN District- Rohtas

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Pramod Gupta @ Pramod Kumar Gupta SON OF LATE BAIJNATH PRASAD Resident of Plot no. 02 C , Suryoday Apartment , West East End Park Hehal , PS- Sukhdeo Nagar , Dist. -Ranchi , Jharkhand At present Residing in the house of Ashok Singh , Pali Road , Naga Path , Dehri-on-Sone , PS -Dehri Town , Dist.- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar @ Sanjay Paswan SON OF LATE MOTI LAL RAM Mohalla -Barah Pathar , PS -Dehri Town , Dist.- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
For the Opposite Party/s : Mr. Usha Kumari 1, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-01-2025 Heard the parties.

2. This is an application for quashing the order dated 04.07.2020 passed by learned Ist Additional District Judge cum Spl. Judge, SC/ST Rohtas at Sasaram in Regd. Case No.164/2020 arising out of Dehri Town P.S.Case No.78/2016.

3. Learned counsel for the petitioner submits that he may be permitted to withdraw the petition to file an appropriate appeal in the matter in view of the Division Bench judgment of the Patna High Court in the case of *Suman Mahto and analogous cases Vs. The State of Bihar reported in 2023 (5) PLJR 425* with specific reference to paragraph 13.



4. Paragraph 13 of the said judgment read as follows:

13. 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 (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 Act.

5. In that view of the matter, the petition stands disposed of granting liberty to the petitioner, as prayed for.

(Rajiv Roy, J)

Vijay Singh/-

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