

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33889 of 2020

Arising Out of PS. Case No.-239 Year-2020 Thana- GOGRI District- Khagaria

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1. Shubham Mandal, aged about 25 years, Male, son of Prakash Mandal
 2. Sonu Mandal, aged about 22 years, son of Subodh Mandal

Both resident of Village- Vishwas Nagar, P.S.- Gogri, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar .

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the State : Mr. Dashrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 16-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ram Sumiran Rai, learned counsel for the petitioners and Mr. Dashrath Mehta, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Gogri PS Case No. 239 of 2020 dated 30.06.2020, instituted under Sections 147, 148, 149, 341, 323, 504, 506, 353, 427, 188, 269, 270 and 271 of the Indian Penal Code.



4. The allegation against the petitioners and two other named and 2-3 unknown persons is of obstructing the team, which had gone for COVID-19 testing and also abusing and assaulting them with brick-bats which also damaged the glass of their vehicle.

5. Learned counsel for the petitioners submitted that there was some resentment among the villagers as the medical team which was to arrive in the morning at about 9.30 AM had reached there only at 3.30 PM. However, it was submitted that the petitioners were not present and only because of some village politics, their name has been introduced. Learned counsel submitted that the petitioners have no criminal antecedent.

6. Learned APP submitted that the petitioners have not only obstructed the medical team which had gone for test of COVID-19 but had also abused and assaulted the team causing damage to their vehicle. It was further submitted that photographs have also been taken by the informant with regard to the conduct of the petitioners who have abused and threatened the informant side and assaulted them with brick-bats and justifying the same by taking the stand that the villagers were protesting at such test. It was submitted that the same is a direct defiance to the rule of law and a serious and dangerous threat; where private persons tried to



intimidate and prevent persons from discharging their official duties, especially where the system was trying to contain and control the spread of COVID-19 virus.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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