

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45441 of 2026

Arising Out of PS. Case No.-448 Year-2024 Thana- LAKHISARAI District- Lakhisarai

David Kumar @ Devid Kumar S/O Vijay Sah R/O Village - Fareh, P.S-
Chautham, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 23-07-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The Investigating Officer of the case, in compliance
of the order dated 20.07.2026, is present in the Court.
3. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 304B and
34 of the Indian Penal Code.
4. Learned counsel appearing on behalf of the
petitioner submits that petitioner is a person with clean
antecedent and the informant alleges that his daughter married
David (petitioner), the marriage was a love marriage, further
after marriage they were staying in a rented house near
Vidyapeeth crossing, next alleges that after marriage the accused
persons including the petitioner were demanding dowry and on



account of non-fulfillment of dowry demand, the accused persons used to abuse by taking caste name, further on account of non-fulfillment of dowry demand, the named accused persons including the petitioner along with unknown accused assaulted her on 28.06.2024, on account of which, she suffered injury and died during the course of treatment and her dead body was brought by an ambulance to the house of the informant.

5. Learned counsel appearing on behalf the petitioner submits that petitioner has been falsely implicated in the instant case being husband, it is next submitted that petitioner and the deceased were in love and hence they performed their marriage as such the family members of the petitioner were annoyed by his decision hence petitioner along with the deceased started staying in a rented room, it is also submitted that though informant alleges that dowry was being demanded but then from perusal of the allegation it would manifest that the same does not even remotely disclose that as to what was being demanded in the dowry, it is further submitted that no doubt the victim died within six months of marriage and presumption in law is against the petitioner and his family members but then all deaths are not dowry deaths, it is next submitted that the condition of the victim deteriorated hence was taken to hospital where during the



course of treatment she died, it is also submitted that had petitioner or his family members been involved in the occurrence in that event efforts would have been made to dispose off the dead body with view to conceal evidence, but then the victim was taken to hospital where she died during the course of treatment thereafter postmortem of the dead body was carried out to ascertain the cause of death. It is further submitted that the statement of the Manager, Medanta Hospital, Lakhisarai, where initially the deceased was treated, has been recorded at para-9 of the case diary, it is next submitted that from perusal of the statement of the Manager of Medanta Hospital, it would manifest that the Manager of Medanta Hospital has stated that deceased was admitted in the hospital by her husband, i.e., petitioner, since she was having very high sugar, hence she was given insulin hence her condition improved a bit but later deteriorated as such she was referred to PMCH, Patna and on the way to PMCH, she died, as informed by the driver of ambulance. It is also submitted that the postmortem report records the cause of death as hemorrhage and shock leading to cardio-respiratory failure, it is further submitted that even the postmortem report does not even remotely suggest that on account of assault the victim died, it is



next submitted that informant is not an eye-witness to the occurrence but then has implicated the petitioner and his entire family members with an allegation that due to non-fulfillment of dowry demand the victim was assaulted, it is reiterated and submitted that petitioner was residing separately from his family members in a rented room and had taken the victim to the hospital for treatment but then she could not survive, it is also submitted that if the privilege of anticipatory bail is granted to the petitioner, the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the cause of death as recorded in the postmortem report.

7. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, let the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/Successor Court in connection with Lakhisarai P.S. Case No. 448 of 2024,, subject to the conditions as laid down under Section 438(2) of



the Cr.P.C./482(2) of the B.N.S.S.

8. However, it is made clear that if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. The personal appearance of the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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