

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56983 of 2024

Arising Out of PS. Case No.-119 Year-2023 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

Md. Kaishar @ Kaisher S/o Md. Yusuf R/o vill - Ward no. 17, Chandi,
Ojhaul, P.S. - Bahadurpur, Distt. - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Afshana Parween W/o Md. Kaiser At present D/o Md. Umar Farooque, R/o vill - Basbariya, Noorchowk, ward no. 6, P.S - Bisti, Distt. - Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Fahad Khurshid, Advocate
For the State	:	Ms. Indu Kumari Srivastava, APP
For the Informant	:	Mr. Ravindra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

5 20-08-2025 Heard learned counsel for the petitioner, learned counsel for the informant as well as the learned APP for the State.

2. The petitioner apprehends his arrest in connection with C.R. No. 119 of 2023, registered for the offences punishable under Sections 323, 341, 504/34, 498A of the Indian Penal Code and Section 3/4 of the D.P. Act.

3. As per allegation, the petitioner along with other co-accused is said to have tortured the informant for non-fulfillment of demand of dowry.

4. It is a case of matrimonial dispute. The matter was referred to the Patna High Court Mediation Centre and the parties have compromised the case on the following terms and conditions:



(i) the petitioner shall pay an amount of Rs. 4,00,000/- (four lakhs) through bank draft in three installments. The first installment of Rs.2,00,000/- (two lakhs) will be deposited in second party Afsana Praveen's saving account no. 41702221451, Branch-SBI, Aunsi, Madhubani at the time of filling the bail bond in the Civil Court. The second installment of Rs. 1,00,000/- (one lakh) will be given to the second party at the time of filing the joint agreement in the Civil Court and the third installment of Rs. 1,00,000/- (one lakh) will be paid in the Civil Court at the time of filing of joint divorce application.

(ii) After second party Afsana Parveen receives the lump sum settlement amount of Rs. 4,00,000/- (four lakhs), she will not make any claim from the first party other than the above mentioned amount.

(iii) both the parties will take all necessary steps to end/withdraw all ongoing cases (including Complaint Case No. 119 of 2023) and settle the cases and both the parties will fully cooperate with each other in ending the cases.

(iv) Both the parties will get the divorce done by mutual consent as per divorce/ Muslim Custom or by filing a joint application in the Family Court, Madhubani within 15 days of filing the bail bond.

(v) the above amount of Rs. 4,00,000/- (four lakhs) has to be paid within a period of six months only and during the same period the entire process of closing the case has to be completed, in which both the parties will fully cooperate with each other.

(vi) Both the parties will no longer have any claim or complaint against each other and both the parties will live their independent lives.

(vii) That both the parties, after reading and getting the above contract read and after hearing and understanding it, should settle their previous dispute and put their signature in front of their respective learned advocates.

5. Taking into account, the contents of the mediation report dated 17.07.2025, it is crystal clear that both the parties with their own consent have decided to spend their lives independently and they are also agreed to withdraw all the cases filed by each



others, this Court is of the view that the petitioner is entitled to the privilege of anticipatory bail.

6. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-1st, Benipatti in connection with C.R. No. 119 of 2023, subject to the conditions as laid down under Section 438(2) of the CrPC/482(2) of the BNSS, 2023.

(Nawneet Kumar Pandey, J)

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