

Balia Belon P.S. Case no. 11/2026
U/S 103(1), 80, 85, 3(5), 61(2), of the B.N.S. & 25(1-b)a/26 of the Arms Act.
Accused Name- Md. Samad Hussain
P.O.-Asutosh Rai. A.S.J.-II, Katihar
B.P. No. 391/26

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IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE-II
DISTRICT-KATIHAR
(B.P. No. 391/26)

In the matter of

1. Md. Samad Hussain, aged about 20 years, S/o- Md. Suleman

.....Accused/petitioner.

Vs

State of Bihar.....Opposite Party.

Balia Belon P.S. Case no. 11/2026

U/S- 103(1), 80, 85, 3(5), 61(2), of the B.N.S. & 25(1-b)a/26 of the Arms Act.

Ld, advocate for petitioner- Shri Hamid Hussain

Ld, A.P.P. for the State- Shri Md. Ajaz Alam

ORDER

07.05.2026- This petition for regular bail has been filed on the behalf of the accused-petitioner namely Md. Samad Hussain who is in custody since 10.02.2026 in connection with Balia Belon P.S. Case no. 11/2026 P.S. instituted U/S- 103(1), 80, 85, 3(5), 61(2), of the B.N.S. & 25(1-b)a/26 of the Arms Act.

Heard the Ld. Counsel Shri Hamid Hussain appearing on the behalf of the petitioner and Ld. A.P.P. Shri Md. Ajaz Alam on behalf of the state.

According to F.I.R. prosecution case in nutshell is that informant to this case Sahela Khatoun lodged a written report before S.H.O. Balia Belone to this effect that marriage of her daughter namely Nuzhat Bano was solemnised with accused namely Sikander @ Askander. Informant has further alleged that her daughter always used to say through telephonic call that Martoz and other accused named in F.I.R. used to commit mental and physical torture for dowry and her sautan (Sebi Khatun) always used to give threatening to take her life away. Informant has further alleged that on 20.01.2026 at about 07:30 o' clock, she received an information that her daughter has been shot dead then on such information she along with family members went in-laws house of her daughter then she saw that her daughter is lying dead due to bullet injury. Informant has further alleged that all named accused have committed murder by shooting her.

It would be pertinent to mention here that during the investigation accused namely Md. Zafar @ Zabbar was arrested and he made confessional statement before police and in his confessional statement he clearly stated that accused-petitioner Md. Samad hired to the Md. Tausif as a Supari Killer and he paid rupees to the Md. Tausif for committing the murder of Nujhat Bano. So on the basis of confessional statement the name of present petitioner has surfaced in this case.

On the other side learned counsel for the petitioner has reiterated all

the grounds taken in the bail petition and has submitted that the petitioner is innocent and he has committed no offence and the petitioner has falsely been implicated in this case by the informant. Ld. Counsel has further submitted that petitioner is not named accused of F.I.R. and nothing incriminating articles has been recovered from his possession and petitioner has no any role or hand in this alleged occurrence and he has no bad criminal antecedent and he is in custody since 10.02.2026. Accordingly, it has been prayed to allow the said both anticipatory bail petitions.

Per contra, learned A.P.P. appearing for the state has opposed the prayer for bail and has submitted that from record it prima facie appears that accused-petitioner has played very active role in this alleged occurrence as there is allegation against him that he hired Md. Tausif as a Supari Killer and he has also paid some amount through pay phone to the Md. Tausif who shot to the deceased to this case namely Nujhat Bano. Accordingly, prayer has been made to reject the said bail petition.

Heard the both parties at length and perused the entire case record along with case dairy. From perusal of the record it is evident that in his confessional statement Md. Zafar @ Zabbar has clearly stated that accused-petitioner hired to the Md. Tausif as a Supari Killer who killed to the Nujhat Bano. Further, Md. Tausif has also made confessional statement to this effect that Md. Samad hired him as Supari Killer and he shot to the Nujhat Bano and after that Samad paid him ten thousand rupees through pay phone and there is documentary evidence on record to show that Md. Samad paid ten thousand rupees to the Md. Tausif. Further, other witnesses of the case diary have also supported the case of prosecution. Moreover, from record it prima facie appears that accused-petitioner has played very active role in the murder of Nujhat Bano.

So, having consideration the above facts and circumstances of this case as well as gravity of this case and submission of the Ld. A.P.P. appearing for the state, I am not inclined to enlarge the above named accused petitioner on the bail. Accordingly, bail petition filed on behalf of the accused-petitioner namely Md. Samad Hussain is hereby rejected.

**Addl. Sessions. Judge-II
Katihar**

Date of Order	07.05.2026
Date of Reserving Order	N/A

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