

IN THE COURT OF ADDL. SESSIONS JUDGE-II DISTRICT-KATIHAR

(Bail Petition No. 502 of 2026)

In the matter of

1. Ahtam Hussain @ Ahtesham Hussain S/o Akaml Hussain
R/O- Village- Jharkaha, P.S.-Semapur, Distt-Katihar

-----Accused/Petitioner.

Vs

State of Bihar-----Opposite Party.

Semapur P.S. case No.- 19/2026

U/S- 103(1) of the B.N.S. & 25(1-b)a/26/35 of the Arms Act.

Learned advocate for Petitioner- Shri Shambhu Prasad Mandal

Learned A.P.P. for the State- Shri Md. Ajaz Alam

ORDER

26-05-2026 This petition for regular bail has been filed on the behalf of the accused namely Ahtam Hussain @ Ahtesham Hussain who is in custody since 27.02.2026 in connection with Semapur P.S. Case No. 19/2026 P.S. instituted U/S- 103(1) of the B.N.S. & 25(1-b)a/26/35 of the Arms Act.

Heard the learned counsel Shri Shambhu Prasad Mandal appearing on the behalf of the petitioner and learned A.P.P. Sri Md. Ajaz Alam appearing on the behalf of the State and perused the lower court record along with case diary.

As per Fard-e-beyan prosecution case in nutshell is that accused-petitioner namely Ahtam Hussain @ Ahtesham Hussain gave his fard-e-beyan to the police officer to this effect that his marriage was solemnized with Sarifa Khatoon nine years ago. Informant has further alleged that on dated 16.02.2026 at about 09:00 O'clock in night having had meal he went to sleep in Osara alongwith his wife Sarifa Khatoon and one child. While sister of her wife namely Saira Khatoon and Yasmin Ara alongwith his three children went inside the house for sleeping. Informant has further alleged that his mouth was in covered condition while he was sleeping, in meantime he heard the sound of firing then he woke up and saw that three persons covering their mouth were present there with pistol then informant tried to snatch the said pistol but said person pushed to the informant and started fleeing away in meantime his pistol got fallen on the ground. Informant

has further alleged that all three accused persons any how to manage to flee away after that he raised alarm then people of that vicinity came and with co-operation of co-villagers he brought his dead wife to the Sadar Hospital. Informant has further alleged that some unknown persons have shot to his wife.

It would be pertinent to mention here during the investigation of this case it was found that non-else but the present petitioner who is informant to this case is the real author of the alleged murder of Sarifa Khatoon. So he was apprehended and he made his confessional statement before the police and confessed his involvement in this alleged occurrence.

On the other side learned counsel for the petitioner has reiterated all the grounds taken in the bail petition and has submitted that petitioner is innocent and has committed no offence either in law or facts and the petitioner has falsely been implicated in this case. He has further submitted that the allegation as levelled in the F.I.R. against the petitioner is totally false, fabricated and concocted and it is stated that the petitioner is the first information of the occurrence but in course of investigation the I.O. mere on suspicion suspected upon the informant and arrested thereafter his confession has been accorded by the police in which he committed the guilt of killing of his wife as such he has been made accused in present case. He has further submitted that the petitioner, informant has lost his wife (deceased) because the deceased was shot by the unknown criminals for which the petitioner has made witness of the occurrence. Apart from that the investigation report it is transpired that the witnesses has supported factum of the F.I.R. which was lodged by the petitioner. He has further submitted that seven accept the confession of the petitioner there is no iota of evidence connected the petitioner killing his wife. Hence, the implication of the petitioner can not sustain for alleged offence hence the petitioner the bail that apart from the four children was born out of wedlock of the petitioner and his wife and there is a good relation between them hence no question arise the petitioner killed his wife, now the children are residing in his house without any umbrella. Accused-petitioner has got no bad criminal antecedent

and he is in custody since 27.02.2026. Accordingly, prayer has been made to allow the bail petition.

Per contra, learned A.P.P. appearing for the state has opposed the prayer for bail and has submitted that from record it is evident that accused-petitioner has committed murder of his wife. So, he does not deserve for regular bail

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 during the investigation accused-petitioner was apprehended by the police and after that accused-petitioner made his confessional statement before the police and he clearly confessed his involvement in the murder of his wife namely Sarifa Khatoon. Further, other co-accused namely Vikash Kumar has clearly stated in his confessional statement that accused-petitioner took fire arms and cartridge from him and later on it came into knowledge Ahtesham has committed to his wife. Further other witnesses of the case diary have also supported the case of prosecution. Further, from record it prima facie appears that accused-petitioner has been involved in the commission of alleged crime of murder.

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 namely Ahtam Hussain @ Ahtesham Hussain is hereby rejected.

A.S.J.-II
Katihar