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**IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA,  
ORAKZAI**

Bail Petition ..... 59/4 of 2023.

Date of institution.....24.06.2023.

Date of decision.....06.07.2023


Uncle of accused/petitioner namely Sardeef Khan, Complainant  
Juma Khan & Dy.PP for the state.

**Order – 07**  
06.07.2023

Dy.PP for the state present. Complainant namely Juma Khan present. He stated that he has not engaged private counsel, therefore, W/N not submitted despite repeated opportunities. Uncle of accused/petitioner namely Sardeef Khan present. Arguments on behalf of counsel for accused/petitioner already heard. Injured Rafi Ullah appeared before the court on 27.06.2023 and submitted compromise deed Ex.PA. His statement was separately recorded wherein, he stated that he has patched up the matter with accused/petitioner, therefore, has got no objection if accused/petitioner is released on bail or subsequently acquitted.

Record already received. Arguments on behalf of prosecution/Dy.PP heard today and record perused.

Accused/petitioner namely Akhtar Gul S/O Nomar Gul, R/O Qaum Sheikhan, Tappa Umar Zai, Tehsil Central, District Orakzai is seeking his post arrest bail in case FIR No.15 dated: 29.03.2023 U/S 324/34 PPC, PS Mishti Mela, Orakzai.

  
**ZAHIR KHAN**  
Civil Judge/JM  
Kalaya Orakzai  
06/07/2023

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Record shows that accused/petitioner is directly and by name charged in the promptly lodged FIR by complainant and the offence with which accused/petitioner is charged falls within the ambit of prohibitory clause of Section 497 Cr.P.C. Per contents of FIR, accused/petitioner is charged for causing injury to Rafi Ullah by making firing and the said injured has patched up the matter with the accused/petitioner but accused/petitioner is also charged for attempting at the lives of complainant/injured Juma Khan and the eye witness Taj Akbar by making firing at them. Sufficient material is available on file connecting the accused/petitioner with the commission of the offence. Deeper appreciation of evidence is not permissible at bail stage. Co-accused Ajmal, who is son of the accused/petitioner, is absconding. In the given circumstances, the accused/petitioner is not entitled to the concession of bail.

Consequently, the application is turned down. Copy of this order be placed on judicial as well as police file. Requisitioned record be sent back to the quarter concerned forthwith.

File be consigned to record room after its necessary completion and compilation.

**ANNOUNCED:**  
06.07.2023



**ZAHIR KHAN**  
Judicial Magistrate-I, Tehsil  
Kalaya, Orakzai