

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

Bail Petition ..... 70/4 of 2023.

Date of institution.....11.08.2023.

Date of decision.....16.08.2023.

Grandfather of accused/petitioner, Complainant Naseem Ali, SI Minhaz Hussain and SI Aftab Hassan.


**Order.No.04**  
**16.08.2023**

Grandfather of accused/petitioner, Complainant Naseem Ali, SI Minhaz Hussain and SI Aftab Hassan present. SI Minhaz Hussain, who initially investigated the case and SI Aftab Hassan, who is currently investigating the case, stated that school certificate of accused/petitioner is placed on judicial file. Per school certificate, date of birth of accused/petitioner is 20.01.2012.

Arguments of Dy.PP for the state, counsel for accused/petitioner and counsel for complainant already heard and record perused.

Accused/petitioner namely Muhammad Raza S/O Aaeen Ali R/O Qaum Mani Khel, Tappa Ahmad Khel, Tehsil Lower, District Orakzai is seeking his post arrest bail in Case FIR No.82 dated: 09.08.2023 u/s 324,337 F(vi)/34 PPC Police Station Kalaya, District Orakzai.

Although, accused/petitioner is directly and by name charged in the FIR and the punishment for the offence U/S 324/34 PPC falls within the ambit of prohibitory clause of Section 497 Cr. PC

  
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however, record shows that role of causing stab wounds with sharp object to the injured/victim Qaeem Ali has been attributed to co-accused Rustam Ali. Per medical report, there is no other wound on the person of the injured/victim. Mere presence of accused/petitioner at the spot, at the time of occurrence along with co-accused who committed the offence, is not sufficient to attract the provisions of section 34 PPC. Furthermore, as per record, date of birth of accused/petitioner is 20.01.2012. Age of accused/petitioner is about 11 years. SI Minhaz Hussain and SI Aftab Hassan affirmed that school certificate, placed on file has been verified from the school concerned. Accused/petitioner is student of class 6<sup>th</sup> with date of birth as 20.01.2012. Moreso, there is nothing on record which could show that accused/petitioner is previously convict or habitual, hardened, desperate or dangerous criminal. Participation of accused/petitioner in the commission of the offence is to be determined during trial. Investigation has already been completed and accused/petitioner is no more required to the local police for further investigation and no useful purpose would be served by keeping the accused/petitioner behind the bar.

Consequently, application in hand is allowed. Petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 80,000/- (Eighty thousand) with two sureties each in the like amount to the satisfaction of this court. Copy of this order be placed on



18/08/2023.

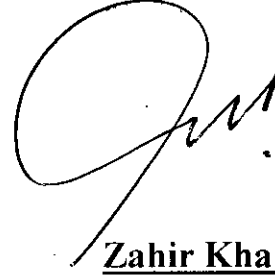
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police as well as judicial record. Requisitioned record be returned back to the quarter concerned.

File of this court be consigned to record room after necessary completion and compilation.

**ANNOUNCED:**

16.08.2023



**Zahir Khan**  
JMIC-I, Tehsil Kalaya,  
Orakzai