IN THE COURT OF ASGHAR SHAH SESSIONS JUDGE, ORAKZAI AT BABER MELA

Bail Application No	:	97/4 of 2020
Date of Institution	:	02.03.2021
Date of Decision	:	06.03.2021

QADAR KHAN ETC. VS THE STATE

ORDER

DPP, Umar Niaz for State and Bashir Ahmad Khan Advocate for accused/petitioners present. Record received. Sana Ullah Khan Advocate submitted Wakalatnama for complainant. Arguments heard and record gone through.
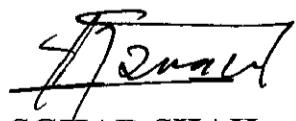
2. Accused/petitioners, Qadar Khan and Tajmeen seek their release on bail in case FIR No. 10, dated 26.02.2021, registered u/s 302/34 PPC at Police Station Upper Orakzai, wherein they are charged for causing the murder of one, Shamila Bibi by means of strangulation.

3. From the arguments and record available on file, it reveals that the accused/petitioners are directly and by name charged for the occurrence. The medical account supports the version of the complainant. Accused/petitioner, Tajmin Khan is the husband of the deceased whereas accused/petitioner, Qadar Khan is the brother of

accused/petitioner, Tajmin Khan, as such parties being closely related to each other, hence at the moment no question of misidentification would arise. The place of occurrence is inside the house of accused/petitioners, which place of occurrence has been pointed out by the accused/petitioners to the local police during the investigation besides the crime rope vide which the deceased was allegedly strangulated has been recovered at the pointation of the accused/petitioners. The offence attracts the prohibitory clause of Section 497 Cr.P.C. Hence, prima facie case exists against the accused/petitioners, and accordingly, they are not entitled for the concession of bail in their favour. Bail petition in hand resultantly stand dismissed being meritless. The prosecution is directed to submit complete challan of the accused within 14 days.

4.   File be consigned to Session Record Room for after further necessary compilation and completion.

Announced
06.03.2021

ASGHAR SHAH
Sessions Judge, Orakzai
at Baber Mela