

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

Bail Petition84/4 of 2023.

Date of institution.....16.09.2023.

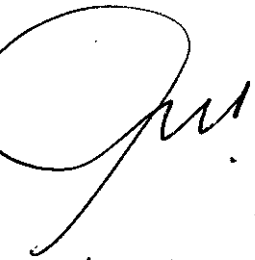
Date of decision.....20.09.2023.

Order.No.04
20.09.2023

None present for the state. Muhammad Tariq, nephew of accused/petitioner and clerk of counsel for accused/petitioner present. Complainant absent. Arguments of learned counsels for the parties already heard and record perused.

Accused/petitioner namely Ahmad Hussain S/O Shendi Gul R/O Qaum Mishti, Tagha Saam, Tehsil Lower, District Orakzai is seeking his post arrest bail in case FIR No.25 dated: 30.07.2023 U/S 324, 427/34 PPC, Police Station Mishti Mela, District Orakzai.

Record shows that accused/petitioner is directly and by name nominated in the FIR and the punishment for the offence for which the accused/petitioner is charged falls within the ambit of prohibitory clause of Section 497 Cr. PC. Three crime empties of 30 bore have been recovered from the place of accused/petitioner. FSL report in respect of crime empties is placed on file. Per FSL report, three 30 bore crime empties were fired from one and the same 30 bore weapon supporting the case of prosecution. There is a strong motive



20/09/2023

ZAHIR KHAN
Civil Judge/JM.
Kalaya Orakzai

of stealing motorcycle of complainant Muhammad Ishfaq behind the occurrence in respect of which case FIR No. 05 dated: 31.01.2023 u/s 381-A, 411/34 PPC, PS Mishti Mela was registered against accused/petitioner. A pistol was also recovered from possession of accused/petitioner at the time of his arrest in respect of which case FIR No. 35 dated 29.08.2023 u/s 15-AA, PS Mishti Mela has been separately registered. As far as, release of co-accused on bail is concerned, case of the accused/petitioner is different from the said co-accused as no empty was recovered from the place of the said co-accused released on bail. Sufficient material is available on file connecting the accused/petitioner with the commission of the offence. 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 of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:
20.09.2023



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai