

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

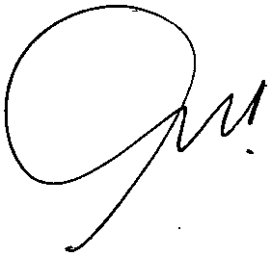
Bail Petition96/4 of 2023.
Date of institution.....04.10.2023.
Date of decision.....09.10.2023.

Order.No.05
09.10.2023

APP for the state present. Counsel for accused/petitioner present. Father of complainant along with counsel present. Arguments of learned counsels for the parties already heard and record perused.

Accused/petitioner namely Israfeel Khan S/O Shendi Gul R/O Qaum Mishti, District Orakzai is seeking his post arrest bail in case FIR No.25 dated: 30.07.2023 U/S 324, 427 PPC, Police Station Kalaya, 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 regarding the recovered empties prima facie support the case of prosecution. Bail petition of co-accused Ahmad Hussain (brother of accused/petitioner) has already been dismissed. As far as, release of co-accused on bail is concerned, case of the accused/petitioner is



09/10/2023


ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

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:
09.10.2023



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai