

(4)

ORDER-05
26.01.2022

APP for the state present.

Counsel for the accused/petitioners present.

Complainant along with the counsel present.

Record received. It be registered.

Petitioners namely Ihsan Ullah, Hadi Zaman S/o Muhammad Afzal and Fayaz Ullah s/o Hadi Zaman have applied for their post-arrest bail in connection with case FIR No. 35, dated: 06.10.2021 u/s 337-A (I)/337-A(IV)/34 PPC registered in PS Ghiljo, Upper Orakzai.


Learned counsel for accused/petitioners, APP for the state and counsel for the complainant heard and record gone through.

Perusal of the record reveals that accused/petitioners are directly charged for the commission of offence with the specific role to all the accused of beating and causing injuries to the complainant. The occurrence is of daylight while accused and complainant belong to the same village, hence no question of misidentification arises. Medico legal report available on file also corroborates the narration of complainant. The motive for offence has been explained in FIR. So, the available record prime facie connects the accused in commission of offence. Moreover, the punishment provided for the offence u/s 337-A (IV) is 10 years and thus falls in prohibitory clause of section 497 Cr.PC.

In view of above discussion, accused/petitioners are not entitled to the concession of bail, hence bail petition stands dismissed.

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

ANNOUNCED
26.01.2022


FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
Farman Ullah
Senior Civil Judge/JM,
Orakzai at Baber Mela.