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Ismael Vs State

Or.....04
15.09.2021

APP for the state present. Accused/Petitioner through counsel namely Jabbir Hussain Advocate present, who submitted wakalat nama on behalf of the petitioner. Record already received.

It is pertinent to mention here that the name of the one Ajmir Khan s/o Taj Muhammad Khan is mentioned in the instant bail petition but perusal of the case file reveals that he has neither been charged till date in the instant case nor arrested/confined in the instant case.

The petitioner namely Ismael s/o Arab Shah has applied for his post arrest bail in connection with case FIR No. 26, Dated: 04.09.2021 U/S 324, 427 and 34 PPC, registered in PS: Mishti Mela, L/Orakzai.


Arguments heard and file perused.

Perusal of record reveals that the accused has been directly charged in the FIR. There is day light occurrence. Recovery has been effected directly from his possession. The contents of FIR reveal a heinous nature of offence. The section 324 PPC levelled against the accused is falling within the prohibitory clause of section 497 Cr.P.C where grant of bail is not a rule rather an exception.

Thus, in these circumstances the accused is not entitled to the concession of bail at this stage, hence, application in hand is **dismissed**.

Copy of this order be placed on police record and the instant file be consigned to record room while record be sent back to the quarter concerned.

Announced
15.09.2021


(Rehmat Ullah Wazir)
Judicial Magistrate-I
Orakzai (at Baber Mela)