

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

Bail Petition 51/4 of 2022.

Date of institution.....06.12.2022.


Date of decision.....12.12.2022

Order – 03
12.12.2022

APP for the state present. Complainant absent. Brother of accused/petitioner namely Bait Ullah present. Written arguments on behalf of counsel for accused/petitioner submitted. Record received. Arguments heard and record perused.

Accused/petitioner namely Khan Akbar S/O Muhammad Afzal, R/O Qaum Mishti, Tappa Darwi Khel, Tehsil Central, District Orakzai is seeking his post arrest bail in case FIR No.40 dated:05.10.2022 U/S 324 PPC, PS Mishti Mela, Orakzai.

Record shows that accused/petitioner is directly and by name charged in the FIR for the daylight occurrence. The offence attracts prohibitory clause of 497 Cr. PC. The blood-stained pebbles and empties have been taken into possession by local police from the spot. Complainant and accused/petitioner are brothers inter-se, therefore, there is no chance of mis-identification or non-identification of the accused. The PWs support the version of the complainant. As such, the case of the accused/petitioner is not


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arguable for the purpose of bail. Accordingly, bail petition in hand stands dismissed being meritless.

Copy of this order be placed on judicial as well as police file. Requisitioned record be sent back to the quarter concerned forthwith.

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

ANNOUNCED:
12.12.2022



ZAHIR KHAN
Judicial Magistrate-I, Tehsil
Kalaya, Orakzai