

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

Bail Petition ..... 50/4 of 2022.  
Date of institution.....06.12.2022.  
Date of decision.....12.12.2022

APP for the state

**Order – 04**  
12.12.2022

APP for the state present. Mr. Sanaullah Khan Advocate present. He advanced arguments on behalf of counsel for accused/petitioner. Complainant present. Record received. Arguments heard and record perused.

Accused/petitioner namely Nijat Faqir S/O Imam Faqir, R/O Qaum Mani Khel, Village Terai, Tehsil Lower, District Orakzai is seeking his post arrest bail in case FIR No.118 dated:30.11.2022 U/S 324, 427, 148, 149 PPC, PS Kalaya, 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 excavator having bullet hitting marks has been taken into possession by local police from the spot. The PWs support the version of the complainant. Co-accused are still at large. The occurrence took place during the construction work of public road. The offence is heinous in nature and deeper appreciation of evidence is not permissible at bail stage. As such, the case of the



12/12/2022  
**ZAHIR KHAN**  
Civil Judge/JM  
Kalaya Orakzai

accused/petitioner is not 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