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IN THE COURT OF SHAUKAT AHMAD KHAN
SESSIONS JUDGE, ORAKZAI AT BABER MELA

Bail Application No : 67/4 of 2022
Date of Institution : 27.07.2022
Date of Decision : 04.08.2022

SABIT ALI VS THE STATE

ORDER

APP, Muhammad Zubair for the State and
Abid Ali Advocate for accused/petitioner present.
Complainant Sher Rehman present in person.
Arguments heard and record gone through.

2. The accused/petitioner, Sabit Ali s/o Ameer Mehdi, r/o caste Bar Muhammad Khel, Tappa Mirazai Khel, village Sra Khona, PO Kurez, Tehsil Lower, District Orakzai seeks his post arrest bail in case FIR no. 09, dated 20.03.2022, u/s 302 PPC of Police Station Kurez Boya, wherein as per contents of FIR, on 20.03.2022 the local police acting on information regarding the occurrence reached THQ hospital Kalaya where the complainant with the dead body of Sajid Ali s/o Malak Rehman lying in emergency room, made a report to the police to the fact that on that day at about 1600 hours he was present in his house when he heard reports of fire shots, upon which he rushed towards the village hujra and found his brother Sajid Ali murdered while Sabit Ali (the present

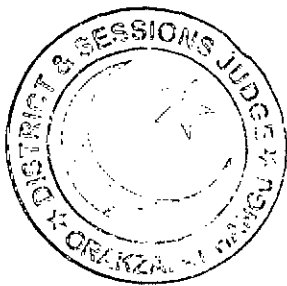
Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
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accused/petitioner) duly armed was on run from the spot. Hence, the present FIR.

3. It is evident from the record that the accused/petitioner is directly nominated in the FIR and the offence for which the accused/petitioner is charged falls within the prohibitory clause of 497 Cr.P.C Moreover, the matter has been promptly reported to the police and the recoveries made from the spot connect the accused/petitioner with the commission of offence. Furthermore, counsel for accused/petitioner failed to point out any ill-will on behalf of complainant to falsely implicate the accused/petitioner in the instant case.

4. Hence, in view of what is discussed above, the accused/petitioner is not entitled to the concession of bail at this stage. The instant post-arrest bail application of accused/petitioner is thus turned down. Copy of this order placed on judicial/police file. Consign.



Pronounced
04.08.2022

SHAUKAT AHMAD KHAN
Sessions Judge, Orakzai
at Baber Mela