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**IN THE COURT OF ABDUL BASIT
ADDITIONAL SESSIONS JUDGE-II, ORAKZAI**

Petition No. 30/4 of 2023

"Muhammad Adil... Versus ... The State"

Order---04

02.05.2024

Accused/petitioner through representative is present.

DyPP for the State is present.

Complainant along with counsel is present.

Accused/petitioner Muhammad Adil s/o Shamroz Khan seeks his post arrest bail in case FIR No. 01 dated: 21.01.2024 under sections 324/34 PPC of Ghiljo Police Station, Orakzai.

Concise facts of the case are that Muhammad Arif (the injured) was unconscious while Aurangzeb Khan, complainant, reported the matter; that on 21.01.2024 at 1615 he and his brother Muhammad Arif were sitting near main road, where their cousins Muhammad Rauf armed with pistol & Muhammad Adil armed with axe came and started altercation with them and quarrel took place; that the complainant called the people for help but in the meanwhile, Muhammad Adil hit his brother Arif Khan with axe on head and Muhammad Rauf made firing with intention to kill due to which Muhammad Arif got injured and both the accused escaped from the spot; that motive behind the offence was dispute over women folks, hence, the report.

Arguments heard and record perused.

Tentative assessment of record reveals that complainant has charged accused/petitioner for attempt at life of his brother Muhammad Arif with blow of axe on his head due to which he has received injury on his head having caused him the minor

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Addl. District & Sessions Judge-II
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trauma. Medical record provides that the injured was diagnosed with high risk injuries and he has undergone an operation of the exploratory laparotomy. Medico legal report supports the version of prosecution. The axe used in commission of offence has been recovered on pointation of accused/petitioner from his house. The injured has been hit on vital parts of his bodies. Carrying the weapon of offence to the spot further envisages the intention of accused/petitioner to the commit the heinous offence. The presence of accomplice also boosts up the morale to commit the offence. The offence falls within the prohibitory clause of section 497 Cr.PC. There is sufficient incriminating material available on file to connect the accused/petitioner with the commission of offence. In view of above observations, this court is not inclined to extend the concession of bail to the accused/petitioner; thus, the bail petition is dismissed. Copy of this order be placed on police and judicial files for record.

File of this Court be consigned to District Record Room after its necessary completion and compilation with in the span allowed for; whereas, record be returned.



Announced
02.05.2024

(Abdul Basit)
Addl. Sessions Judge-II, Orakzai