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

**Petition No. 44/4 of 2024**

*"Khan Siddique ... Versus ... The State etc."*

**Order---04  
06.06.2024**

Accused/petitioner through representative is present.

Complainant in person along with his counsel is present, who submitted wakalatnama in favor of Mr. Hamid Sarfraz, advocate. DyPP for the State is present.

Khan Siddique s/o Socha Gul, accused/petitioner, seeks his post arrest bail in case FIR No. 28 dated: 22.05.2024 under sections 302/324/34 PPC and 15AA of Mishti Mela Police Station, Orakzai.

Arguments heard and record perused.

Syed Habeeb, the complainant, reported that he along with his brother were ploughing their lands through tractor; where at morning time, Mujahid Khan and Wajidullah started aerial firing from nearby hilly area with intention to criminally intimidate them; that his brother went to the police station for reporting the matter, whereat, local police came there, arrested Mujahid Khan with pistol and another accused, who were taken to the police station; that when the police left, his brother Raidullah came there, where, Naveedullah and Khan Siddique duly armed stepped down from the hill and opened fires on his brother Raidullah, who got hit with the firing of Naveedullah; that complainant along with his brother Sajidullah rushed towards their brother, where, accused also opened fires at them with intention to kill but they luckily remained unhurt; that

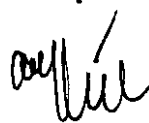
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*06/06/2024*  
**Abdul Basit**  
Addl. District & Sessions Judge-II  
Orakzai at Baber Mela,  
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accused decamped from the spot but his brother Raidullah had died on the spot; that motive behind the offence was dispute over lands; therefore, complainant has charged Naveedullah and Khan Siddique for murder of his brother Raidullah and for attempt at their lives.

Tentative assessment of record reveals that it was a daylight occurrence and parties are co-villagers; therefore, question of misidentification does not arise. The occurrence has promptly been reported so question of deliberation and the consultation is also out of field. Recovery of weapon is effected on pointation of accused/petitioner and empties have also been recovered from the place of occurrence. There is sufficient incriminating material available on file to connect the accused/petitioner with the commission of offence. More so, there is strong motive behind the commission of offence. The offence carries maximum punishment, which does not attract restrictive clause of section 497 CrP.C. 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 within the span allowed for; whereas, record be returned.



**Announced**  
06.06.2024

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