

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

---

Bail Petition .....16/4 of 2024.  
 Date of institution.....29.04.2024.  
 Date of decision.....29.04.2024.

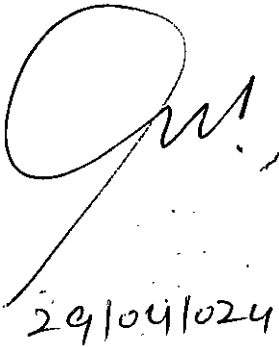
---

Order.No.02  
29.04.2024

Bail petition received from the court of learned Judicial Magistrate-II, Kalaya, Orakzai. Be entered. APP for the state present. Brother of accused/petitioner present. Complainant Nabeel present. He stated that he cannot engage private counsel and that he would rely on the arguments of public prosecutor. Record received. Arguments on behalf of counsel for accused/petitioner and APP for the state heard and record perused.

Accused/petitioner namely Jan Akbar S/O Din Badshah is seeking his post arrest bail in case FIR No.16 dated: 09.04.2024 U/S 324, 427 PPC, Police Station Mishti Mela, District Orakzai.

Record shows that accused/petitioner is directly and by name charged in the FIR for a day light occurrence in a promptly lodged report with strong motive of money dispute. Empties of 7.62 mm bore are recovered from the place of accused. Spent bullet has been recovered from the tractor hit with fire shots of the accused/petitioner. The occurrence is witnessed by eye witness

  
29/04/24

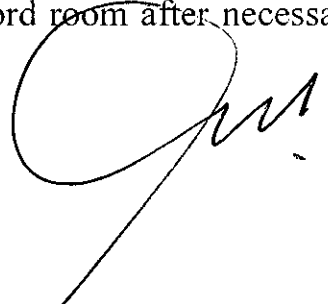
**ZAHIR KHAN**  
Civil Judge/JM  
Kalaya Orakzai

namely PW Khayal Akbar. Furthermore, the punishment for the offence u/s 324 PPC falls within the ambit of prohibitory clause of Section 497 Cr. PC. The tractor of complainant having bullets hitting marks, is taken into possession by the IO which further support the version of prosecution. As per judgments of the Apex Superior Courts, deeper appreciation of evidence is not permissible at bail stage and only tentative assessment thereof, is to be made just to find out connection of accused/petitioner with the commission of the offence. Sufficient material is available on file connecting the accused/petitioner with the commission of the offence. In the given circumstances the accused/petitioner is not entitled to the concession of bail.

Consequently, the application is turned down. Copy of this order be placed on judicial as well as police file. Requisitioned record be sent back to the quarter concerned forthwith.

File of this court be consigned to record room after necessary completion and compilation.

**ANNOUNCED:**  
29.04.2024

  
**Zahir Khan**  
JMIC-I, Tehsil Kalaya,  
Orakzai