

**IN THE COURT OF ZAHIR KHAN, JUDICIAL MAGISTRATE-I TEHSIL  
KALAYA, DISTRICT ORAKZAI**

Bail Petition .....23/4 of 2024.  
Date of institution.....24.05.2024.  
Date of decision.....27.05.2024.

**Order.03**  
**27.05.2024**

APP for the state present. Counsel for accused/petitioners present. Complainant along with Mr. Abid Ali advocate present. W/N submitted. Record already received. Arguments on behalf of counsel for complainant and APP for the state heard today. Arguments on behalf of counsel for accused/petitioners already heard. Further arguments of counsel for accused/petitioners also heard and case file perused.

Accused/petitioners namely Mujahid Khan S/O Sonab Khan and Wajid Ullah S/O Khan Sadeeq are seeking their post arrest bail in case FIR No. 27, Dated: 22.05.2024 U/S 506/34 PPC & 15-AA, PS Mishti Mela, Orakzai.

Record shows that accused/petitioners are directly and by name charged in the FIR for a day light occurrence. There is a strong motive of land dispute behind the occurrence. Investigation officer of the case is present in the court along with case file of murder case registered

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Kalaya Orakzai

vide FIR No.28 dated: 22.05.2024 u/s 302,324/34 PPC of PS Mishti Mela.

Copy of FIR of murder case is placed on file. The present occurrence took place on 22.05.2024 at 06:30 am in the fields of complainant party while the occurrence of the murder case took place on the same date and place at 09:45 am. Brother of the present complainant was murdered in case FIR No.28 dated: 22.05.2024 u/s 302,324/34 PPC of PS Mishti Mela, brother and father of accused/petitioners Wajid Ullah are charged for the commission of the said offence. The complainant of the present case was again fired at with intention to kill him. This shows the aggressive nature of the accused party. One pistol of 30 bore along with fixed charger containing 20 cartridges of the same bore has been recovered from possession of accused/petitioner Mujahid Khan which further support the case of prosecution. Although, the offence for which accused/petitioners are charged does not fall within the ambit of prohibitory clause of Section 497 Cr. PC but this fact by itself will not create a right in favor of accused/petitioners for grant of bail as there is sufficient material available on record connecting the accused/petitioners with the commission of the offence.

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

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 GILLI JUB  
 KILAYA BAKAZA

the quarter concerned forthwith while file of this court be consigned to record room after necessary completion and compilation.

**ANNOUNCED:**

27-05-2024

M. K. I

27-5-24

**Zahir Khan**

JMIC-I, Tehsil Kalaya,  
Orakzai