

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

Bail Petition 78 /4 of 2024.

Date of institution.....16.09.2024.

Date of decision.....16.09.2024

Order – 02

16.09.2024

Bail petition received from the court of learned JMIC-II, Kalaya. Be entered.

APP for the state present. Counsel for accused/petitioner present. Attested W/N submitted. Complainant namely Juma Khan and injured Rafi Ullah present. Wakalat Nama on behalf of complainant in favor of Mr. Insaf Ali Advocate submitted. Co-injured Rafi Ullah opted not to engage private counsel. He stated that he has got no objection if accused/petitioner is released on bail. Record received. Arguments heard and record perused.

Accused/petitioner namely Ajmal S/O Akhtar Gul R/O Qaum Sheikhan, Tappa Umar Zai, Tehsil Central, District Orakzai is seeking his post arrest bail in case FIR No.15 dated: 30.03.2023 U/S 324, 337-F(iii)/34 PPC, PS Mishti Mela, Orakzai.

Record shows that accused/petitioner is directly and by name charged in the FIR by the complainant with role of effective firing. Accused/petitioner remained absconder for more than a year. The offence u/s 324 PPC with which accused/petitioner is charged

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

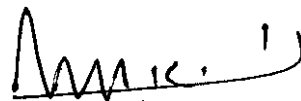
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16/09/2024

falls within the ambit of prohibitory clause of Section 497 Cr.P.C. Per contents of FIR, accused/petitioner is charged for causing firearm injury to complainant Juma Khan. Medico legal report supports the version of complainant. As far as, release of co-accused on bail is concerned, case of the accused/petitioner is different from the said co-accused. Co-accused was released on bail on the basis of compromise with injured Rafi Ullah. Deeper appreciation of evidence is not permissible at bail stage and the tentative assessment of the record leads this court to the conclusion that a prima facie case exists against the accused/petitioner, hence, 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 be consigned to record room after its necessary completion and compilation.

ANNOUNCED:
16.09.2024



ZAHIR KHAN
Judicial Magistrate-I, Tehsil
Kalaya, Orakzai