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

Petition No. 74 of 2024

"Muhammad Arif... Versus ... The State"

**Order---05
16.08.2024**

Post-arrest bail received from the Court of District & Sessions Judge, Orakzai. It be registered.

Accused/petitioner through counsel present.

DyPP for the State present.

Complainant alongwith counsel is present.

Accused/petitioner Muhammad Arif s/o Mir Gul seeks his post arrest bail in case FIR no. 38 dated: 16.06.2024 under sections 302/311 PPC and 15AA of Mishti Mela Police Station, Orakzai.

Brief facts of the case as per report are that police on receipt of information rushed to the Emergency Room of DHQ Hospital Mishti Mela, Orakzai, where Shahid Khan, brother of the deceased, reported that last night he and his family members along with deceased Umar Ayaz were asleep in their bed rooms; that his brother Umar Ayaz (deceased) left his house at an unknown time and got to know that someone has killed his brother, whereat, he rushed to the spot, where he came to know that his brother was killed by Muhammad Arif son of Mir Gul through firearm weapon on account keeping an illicit relationship with Mst. Robina Bibi, the wife of Shah Mehmood, who has decamped from the spot due to fear; that he alongwith other relatives took the dead body of the deceased to the DHQ Hospital for post mortem examination, hence, he has charged Muhammad Arif for the murder of Umar Ayaz.

Arguments of learned counsel for accused/petitioner, learned DyPP for the State assisted by counsel for complainant heard and record perused.

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16/08/2024
Abdul Basit
Addl. District & Sessions Judge-II
Orakzai at Baher Mela,
Hangu

Contd. 05

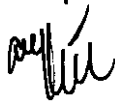
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Tentative assessment of record reveals that admittedly the time of occurrence is unknown and there is no eye-witness to the occurrence, however, accused/petitioner has directly been nominated in the FIR for murder of Umar Ayaz. The report followed by registration of case is promptly lodged that excludes the chances of deliberation. The deceased has died on the spot due to firearm injury, which is further corroborated through medical evidence. The local police has recovered the crime empties from the spot as well as weapon of offence used in the commission of offence on pointation of the accused/petitioner, which were sent to the laboratory for chemical analyses, according to which the crime empties were reportedly fired from the recovered weapon of offence. Similarly, blood stained earth was also recovered from the house of accused/petitioner and as per FSL report it was human blood of the same group. The offence with which accused is being charged is not only heinous in character but also falls within the ambit of prohibitory clause of Section 497 of the Code of Criminal Procedure, 1898. All facts referred above coupled with the material available on file connect the accused/petitioner with the commission of serious offence; therefore, in view of above observations, this court is not inclined to extend the concession of bail to the accused/petitioner; hence, the bail petition is dismissed. Copies of this order are 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
16.08.2024


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