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

Petition No. 76/4 of 2024

"Khayal Akbar... Versus ... The State etc."

Order---03

15.08.2024

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

Accused/petitioner through counsel present.

Complainant through father along with counsel present.

Iftikhar Ahmad, DyPP for the State is present.

Accused/petitioner Khayal Akbar son of Eid Badshah seeks his post arrest bail in case FIR No. 12 dated: 01.08.2024 under sections 506, 504, 337-A (i) and 336 PPC of Daboori Police Station, Orakzai.

Brief facts of the case as per report are that police after receiving information rushed to the Type-D Hospital Daboori, where, injured Naimatullah son of Munshi Gul reported that few days ago, he had placed timbers near his house; that on 18.07.2024 at 1530 hours, he was busy arranging the timber, when in the meanwhile, Khayal Akbar came there and directed him not to place the woods there on ground that said place was his cousin's property; that an altercation took place and Khayal Akbar attacked him with axe due to which he sustained injuries on left side of his head; that Khayal Akbar also threatened him and spelt abuses to him, where after, he decamped from the spot, thus, he has charged him for causing injuries and temporary injunction criminally intimidate him, hence, report.

Arguments heard and record perused.

all
Abdul Basit
Addl. District & Sessions Judge-II
Orakzai at Baber Mela,
Hangu


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● Contd. 03
15.08.2024

Tentative assessment of record reveals that complainant has charged accused/petitioner for causing him hurt with blow of axe on his head due to which he has received grievous injury on his head. The axe used in commission of offence has been recovered on pointation of accused/petitioner from his house. The injured has been hit on vital part of his body, which has also affected hearing sense of left ear as per medical report. Hitting the injured with deadly weapon on vital part of his body further clarifies the intention of accused/petitioner to the commit the heinous offence. Accused is directly charged with promptly lodged report. The medical reports also support the prosecution version. The offence falls within restrictive clause of section 497 CrPC. There is sufficient incriminating material available on file to connect the accused/petitioner with the commission of heinous offence. 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. 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
15.08.2024


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