

IN THE COURT OF SYED OBAIDULLAH SHAH,  
SESSIONS JUDGE, ORAKZAI

Bail Application No. : 68/4 of 2024  
Date of Institution : 12.09.2024  
Date of Decision : 24.09.2024


UMAR NAWAZ VS THE STATE

ORDER

Representative of accused/petitioner present.

Arguments have already been heard. Record gone through.

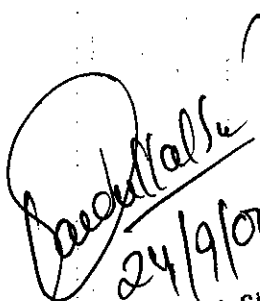
2. The accused/petitioner, **Umar Nawaz** s/o Umar Khitab seeks his post arrest bail in case FIR No. 46, dated 02.08.2024, u/s 302/324/148/149 PPC of Police Station Kurez, wherein as per contents of FIR, the local police acting on information reached THQ Hospital Kalaya and found the dead body of Ameen Ullah in emergency room. The complainant Sami Ullah made a report to the local police to the fact that on that day he along with deceased Ameen Ullah, injured Rahim Ullah and others were busy in extracting gravels from a nearby Algada when at about 1800 hours, the present accused/petitioner duly armed and other co-accused arrived there and started beating them (the complainant party) with butts and stones, as a result of firing of the present

  
24/9/24  
Syed Obaidullah Shah  
District & Sessions Judge  
Orakzai at Baber Mela

accused/petitioner and co-accused Shah Nawaz, Rahim Ullah and Ameen Ullah received injuries respectively who later on succumbed to their injuries and died. The complainant's uncle named as Awal Akbar also received injuries on his ear while the complainant luckily escaped unhurt. Hence, the present FIR.

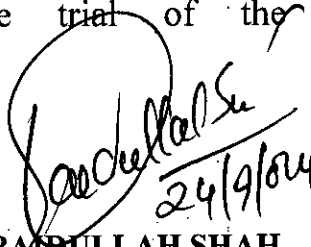
3. Learned counsel for the accused/petitioner argued that the accused/petitioner has falsely been implicated in the instant case to scot-free the actual culprit, that there is nothing available on file to connect the accused/petitioner with the commission of offence. On the contrary, the complainant's counsel put forward his arguments that the accused/petitioner has directly been charged in the FIR, the offence for which the accused/petitioner is charged, is heinous in nature.

4. Upon reviewing the record, it's apparent that the accused/petitioner is directly nominated in the FIR for the offence falling within the prohibitory clause of 497 Cr.P.C. Moreover, the medico legal evidence and the recoveries made from the spot of occurrence prima facia connect the accused/petitioner with the commission of offence.

  
24/9/04  
Syed Obaidullah Shah  
District & Sessions Judge  
Orakzai at Baber Mela

5. Hence, in view of what is discussed above, it is held that sufficient material is available on file which reasonably connects the accused/petitioner with the commission of offence; therefore, he is not entitled to the concession of bail at this stage. The instant post-arrest bail application is thus turned down.
6. Order announced. File of this court be consigned to record room after its necessary completion and compilation. Copy of this order be placed on judicial/police file.
7. This order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 24.09.2024

  
24/9/24  
**SYED OBAIDULLAH SHAH**  
Sessions Judge, Orakzai  
at Baber Mela

