

05

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

Bail Petition .....46/4 of 2024.  
 Date of institution.....04.07.2024.  
 Date of decision.....09.07.2024

Mr. Sana Ullah Khan Advocate, counsel for accused/petitioners,  
 complainant Muhammad Javid & APP for the state

**Order.No.03**  
**09.07.2024**

APP for the state present. Learned counsel for  
 accused/petitioners present. Complainant also present. Record  
 already received and arguments heard.

**ZAHIR KHAN**  
**Civil Judge/JM**  
**Kalaya Orakzai**

Accused/petitioners namely Habeeb Khan S/O Niamat  
 Khan and Shah Fayaz S/O Torak Jan are seeking their post  
 arrest bail in case FIR No. 46, Dated: 15.06.2024 U/S 324 PPC, PS  
 Kalaya, Orakzai.

*[Handwritten Signature]*  
 09/07/2024

Perusal of record reveals that accused/petitioner namely  
 Habeeb Khan is directly and by name charged in the FIR with  
 effective role of causing fire arm injury to the complainant namely  
 Javid Khan. It is a day light occurrence. Injury sheet and medical  
 report support the version of complainant. Blood stained stone and

01 empty of 30 bore has been recovered from the spot which further connects the accused/petitioner named above with the commission of the offence. As per judgments of the Apex Superior Courts, deeper appreciation of evidence is not permissible at bail stage and only tentative assessment thereof, is to be made just to find out connection of accused/petitioner with the commission of the offence. Sufficient material is available on file connecting the

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accused/petitioner Habeeb Khan with the commission of the offence. The other accused/petitioner namely Shah Fayaz is also directly and by name charged in the FIR but a general role of his

presence at the spot has been attributed to him. He is not charged for any firing. Participation of the said accused in the commission of the offence could only be determined during trial. In the given circumstances, it is held that accused/petitioner Habeeb Khan is not held entitled to the concession of bail while accused/petitioner Shah Fayaz is entitled to the concession of post arrest bail.

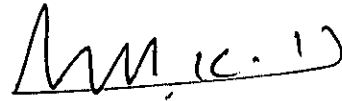
Consequently, bail petition to the extent of Habeeb Khan is turned down while bail petition to the extent of Shah Fayaz is accepted. Accused/petitioner Shah Fayaz be released on bail

*Zahir Khan*  
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subject to furnishing bail bonds in the sum of Rs. 80,000/- (Eighty thousand) with two sureties each in the like amount to the satisfaction of this court. Copy of this order be placed on judicial as well as police file.

File of this court be consigned to record room after its necessary completion and compilation.

**ANNOUNCED:**  
09.07.2024



**Zahir Khan**  
JMIC-I, Tehsil Kalaya,  
Orakzai