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

Petition No. 99/4 of 2024

"Sohbat Khan... Versus ... The State"

Order---05

02.10.2024

Accused/petitioner through counsel is present.

Dy.PP for the State is present.

Accused/petitioner Sohbat Khan s/o Saida Jan seeks his post arrest bail in case FIR no. 116 dated: 24.09.2021 under sections 324/452/302/311/34 PPC of Kalaya Police Station, Orakzai.

Brief facts of the case as per report are that local police on receipt of information rushed to the emergency room of DHQ Hospital Mishti Mela, Orakzai, where Amjad Khan, the complainant/injured, reported that last night at 2300 hours he was present in his house when in the meanwhile an unknown person entered into the room of his aunt Amna Bibi w/o Olan Khan with ill-intention; that there were kids in the room; so he waited outside so that when the kids would come out, he would overpower him; however, at about 1100 am, when the kids came out from the room, the unknown person locked the room from inside; that he broke the door with a kick, whereat, the person present inside opened fires at him with intention to kill due to which he sustained the firearm injuries; that occurrence was also witnessed by other persons present in the house; therefore, he has charged the unknown person for trespassing the house with ill-intention and to cause him injuries; that when the police rushed to the place of occurrence, they got informed that Sohbat Khan and Shahid have killed an unknown person through firearm weapons; that they have entered the room and found a dead body of a person killed through firearm weapon; that they have recovered identity card from the pocket of dead person, wherefrom, they got to know his name as Zaman Khel son of Sadeen Shah r/o Khan Shah Mela Qaum Mengal District Kurram, who was killed by them on the pretext of honor and they were also making attempt to kill Amna Bibi for keeping

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the illicit relation; therefore, the police has charged them for the commission of offence vide daily diary no. 7 of even date; that the police while searching Sohbat Khan etc. heard gun shot and rushed towards the spot and found that Javed son of Saida Jan had committed the murder of his sister-in-law Amna Bibi for keeping illicit relationship with Zaman Khan; therefore, the police has also charged Javed Khan for the commission of offence vide daily diary no. 8 of even date; hence, the case.

Arguments heard and record perused.

Tentative assessment of record reveals that accused/petitioner has directly been nominated for the murder of Zaman Khan. The report followed by registration of case is prompt that excludes the chances of deliberation or afterthought. The deceased got hit as a result of firing and died on the spot which fact has been confirmed by medical evidence, which further strengthen the prosecution case on its face. The offence with which accused/petitioner is charged with is a heinous offence, which squarely falls within the ambit of prohibitory clause of Section 497 of the Code of Criminal Procedure, 1898. The dead body was recovered from the house of accused/petitioner. There is long abscondance on part of accused/petitioner, which reflects his guilty conscious. There is sufficient incriminating material available on file to connect the accused/petitioner with the commission of 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. Copy of this order be 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
02.10.2024


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