

4

BA No. 73/4 of 2024

ABID ULLAH VS THE STATE

Fir No. 52, Dated 08.09.2024, u/s 324 PPC

Police station Mishti Mela

**IN THE COURT OF SYED OBAIDULLAH SHAH,
SESSIONS JUDGE, ORAKZAI AT BABER MELA**

Bail Application No : 73/4 of 2024
Date of Institution : 27.09.2024
Date of Decision : 07.10.2024

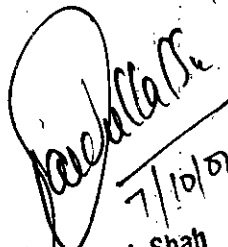
ABID ULLAH VS THE STATE

ORDER

DPP, Umar Niaz for the State and Abid Ali Advocate for accused/petitioner present. Complainant present in person. Record already received. Arguments heard and record gone through.

2. The accused/petitioner, **Abid Ullah** s/o Aziz Manan, after being refused to be released on bail vide order dated 26.09.2024 of learned Judicial Magistrate-I, Tehsil Kalaya, District Orakzai, seeks his post arrest bail in case FIR no. 52, dated 08.09.2024, u/s 324 PPC of Police Station Mishti Mela wherein, as per contents of FIR, on 07.09.2024 the local police on receipt of information reached DHQ Hospital Hangu and found the injured Ameen Gul in unconscious condition where the complainant, Ain Ullah (son of injured) at 2120 hours made a report to the police to the fact that on that day at 2035 hours he along with his father Ameen Gul were on way to offer *Isha* prayer in a mosque, when reached the place of occurrence, the accused/petitioner duly armed already present there, opened firing at them; as a result of which his father received injuries while he luckily escaped unhurt. Hence, the present FIR.

3. Counsel for the accused/petitioner argued that the accused/petitioner is falsely charged in the


7/10/24
Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

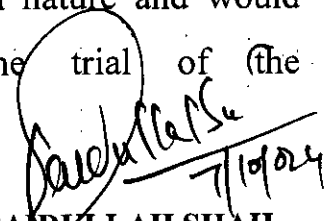
FIR, that there is no previous history of the accused/petitioner in such like cases. On the other hand, learned DPP for the state put forward his arguments that the accused/petitioner is directly charged for the commission of offence and the accused/petitioner has caused injuries on vital body parts of the injured.

4. In light of the arguments advanced by learned DPP for the state and counsel for the accused/petitioner, record perused which shows that the accused/petitioner is directly nominated in the FIR and the recoveries in the form of blood from the spot of occurrence have been made which prima facie support the case of prosecution. The injuries have been caused by the accused/petitioner on vital body parts of the injured. In addition, the injured is of the age of about 60 years who is still under treatment and waiting for his surgery as the pellets are inside his head. Furthermore, sufficient material is available on file which reasonably connects the accused/petitioner with the commission of offence making him disentitle to the concession of bail at this stage; therefore, the bail petition in hand stands dismissed.

5. Order announced. File of this court be consigned to record room after its necessary completion and compilation. Record be returned with copy of this order be placed on judicial/police record.

6. This order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated 07.10.2024


SYED OBADULLAH SHAH
Sessions Judge, Orakzai
at Baber Mela

