

**IN THE COURT OF BAKHT ZADA ADDITIONAL SESSIONS JUDGE-I,
ORAKZAI AT BABER MELA**

Bail Application No : of 2024
Date of Original Institution : 10.10.2024
Date of Present Institution : 17.10.2024
Date of Decision : 24.10.2024

SAJJAD HUSSAIN VS THE STATE

ORDER
24.10.2024

DyPP, Iftikhar Ahmad for the State present.

Complainant Mst. Zameen Sahb present through Muzahir Hussain Advocate. His Wakalatnama already placed on file. Haji Aman Khan Bangash Advocate for accused/petitioner has submitted the instant bail application. Record received. Arguments heard and record gone through.

2. The accused/petitioner namely, Sajjad Hussain S/O Muhammad Sardar, R/O Bahram Zai, District Orakzai is seeking his post arrest bail in case FIR No. 64, Dated 28.07.2024, registered U/S 302/34 PPC, registered at Police Station Kalaya.

3. Brief facts of the case as per FIR are that, complainant Mst. Zameen Sahb reported the matter to Muhammad Younas SHO at THQ, Kalaya, where the dead body of Syed Abbas S/O Syed Muhammad Sardar, aged about 36/37 years is lying in the emergency room that she along with her husband and children are residing at Kachai, Usterzai. Today, she along with her husband went to their paternal house

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situated at Bahram Zai, Orakzai. At 18:00 hours, her brothers in law namely Sajjad Hussain, Imdad Hussain sons of Syed Muhammad Sardar maternal uncle namely Nihad Hussain S/O Mir Qasim Jan caught hold of her husband and put rope in his throat and hanged him with the Iron beam of veranda, due to which he died at the spot. I being women could do nothing. I cut the rope with knife. She charged the above persons for the murder of her husband by hanging. One, Syed Raza Hussain S/O Zaidan Hussain, R/O Kachai supported the report by putting his thumb impression on the same. The report was read over to the complainant which was admitted correct and she also thumb impressed the same. The inquest report of the deceased was prepared and was sent under the protection of Constable Asif Ali No. 664 for obtaining his Post-Mortem report. The Murasila was sent through Constable Shabbir Khan No. 413 which was incorporated into the instant FIR No. 64, dated 28.07.2024, U/S 302/34 PPC of PS Kalaya.

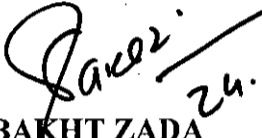
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4. Arguments heard and available record perused which shows that the accused/petitioner is directly charged in the FIR. The contents of FIR shows that the occurrence has taken place in presence of the eye-witness i.e., complainant. The allegation regarding strangulation is duly supported by the Post-Mortem report and recovery memo. The offence has allegedly taken place inside the house as reported by the

complainant and shown in the site plan, therefore, the statement of complainant carries weight and cannot be discarded at this stage. I am therefore, not inclined to release the accused/petitioner on bail. The application is dismissed.

5. Copy of this order be placed on police/judicial file. Case file be consigned to the record room after its necessary completion and compilation while the requisitioned record be sent back to the quarter concerned.

Announced
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at Baber Mela