

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

Bail Application No : 9/4 of 2024
Date of Institution : 08.01.2025
Date of Decision : 16.01.2025

HUJAT ALI VS THE STATE

ORDER-4
16.01.2025

Sr. PP for the State present. Accused/petitioner through Mr. Abid Ali Advocate and Syed Bakhtiar Hussain Advocate present. Complainant through his nephew Riasat Ali along with Syed Muzahir Hussain Advocate present. Record received.

2. The accused/petitioner namely, (1) Hujat Ali S/O Azmeen Ali and r/o Mani Khel, Tehsil lower Orakzai is seeking his post arrest in case FIR No. 100, Dated 10.08.2024, U/S 302/324/34/15-AA/336/337A(i) PPC, registered at Police Station Kalaya.

3. Facts of the case are that police party headed by SHO Shal Muhammad rushed to the place of occurrence. Mazid Ali (complainant) along with two injured Mst. Madiha Bibi and Razid Ali were present on the spot, while narrating story of the incident complainant told the police that he along with other residence of his joint dwelling house, present therein came outside where their kids were at each other's throat with the children of accused party residing at their neighborhood. The altercation led to the incident where the accused/petitioner along with other co

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Addl. District & Sessions Judge-1,
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accused appeared duly armed. Accused Inab Ali has opened fire which resulted into death of Miraj Hussain rest of accused namely Zubair Ali, Hujat Ali (present accused/petitioner) and Kiramat Ali opened fire at Razid Ali and Mst. Madiha due to which they sustained injuries. Murasila was drafted and sent to the police station and hence the instant FIR was registered to bring the criminal law into motion.

4. Arguments heard and available record perused which shows that the present accused/petitioner namely Hujat Ali is charged for the offense u/s 324/336/337A(i)/34 PPC by the complainant in the FIR directly by name. According to statement of injured Mst. Madiha recorded u/s 161 Cr. PC the present accused/petitioner has fired at her due to which she got hit on her right eye which resulted into "Itlaf-e-Uzu". The accused/petitioner has been absconding since the commission of offence for the last about 3 ½ years. The medical report and others evidence supports the version of prosecution. The offence is heinous in nature. I am therefore, not inclined to release the accused/petitioner at this stage, consequently the instant bail application stands dismissed. Requisitioned record be returned to the quarter concerned.

5. Copy of this order be placed on police and Judicial file while file of this court be consigned to the record room within the stipulated time.

Announced

Bakht Zada
16.1.25
BAKHT ZADA

Additional Sessions Judge-I, Orakzai
at Baber Mela