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ABDUL MANAN VS THE STATE
FIR NO. 48, DATED 18.062024, U/S 302 PPC, PS KALAYA
IN THE COURT OF BAKHT ZADA ADDITIONAL SESSIONS JUDGE-I,
ORAKZAI AT BABER MELA

Bail Application No : 17/BA of 2024
Date of Institution : 20.11.2024
Date of Decision : 22.11.2024

ABDUL MANAN VS THE STATE

ORDER NO. 02

22.11.2024

Sr.PP, Abul Qasim for the State present.

Complainant Muhammad Wali in person present.

Accused/petitioner present through Sana Ullah Khan

Advocate. Record received. Arguments heard.

2. Accused/petitioner namely, namely Abdul

Manan S/O Siyal Khan, R/O Stori Khel, Tarkho Saam,

District Orakzai is seeking his post arrest bail in case

FIR No. 48, Dated 18.06.2024, registered U/S 302

PPC, registered at Police Station Kalaya.

3. Brief facts of the case as per FIR are that,

complainant Muhammad Wali S/O Siyal Khan

reported the matter at emergency room Tehsil

Headquarter Hospital, Kalaya to SHO PS Kalaya to the

effect that on the eventful day i.e., 18.06.2024 at 1645

hours, his nephew Shah Khalid S/O Abdul Manan,

R/O Stori Khel was loading and un-loading thirty bore

pistol and mistakenly a bullet was fired due to which

his father, who was sitting in the nearby cot, got hit

and sustained injury. That a vehicle was arranged and

they started towards THQ Hospital, Kalaya, but he

could not succumb the injury and died on the way to

the hospital. He charged his nephew Shah Khalid for

Sana Ullah Khan
22.11.24
BAKHT ZADA
Addl. District & Sessions Judge-1,
Orakzai at Hangu

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firing due to mistake in the result of which his father died and consequently the instant FIR was registered against accused Shah Khalid U/S 322 PPC.

4. After registration of the FIR on the same day i.e., 18.06.2024, notice U/S 160 Cr. PC was issued by the SI/OII to the present accused/petitioner, Abdul Manan (father of accused Shah Khalid) to appear in the PS for investigation, but DFC reported that the present accused/petitioner is ICE and Chars dealer and his personal service is difficult. The said notice was repeated on 20.06.2024 and 25.06.2024, but he does not appear before the police. During further investigation, it was found that Shah Khalid is juvenile and he has not committed the offence, rather it was brought to the notice of IO that altercation had taken place between present accused/petitioner Abdul Manan and his father deceased Siyal Khan, on which Abdul Manan made firing with pistol at his father and he died.

Said
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BAKHT ZADA
Addl. District & Sessions Judge-1,
Orakzai at Harigu

5. Arguments heard and available record perused.
6. During investigation, the present accused/petitioner as well as complainant were issued notice to appear before the IO, but neither the accused/petitioner, nor the complainant appeared before the IO. It is mentioned in the Zimni report part 1, that complainant contacted the police telephonically that the real culprit is Abdul Manan, who has murdered his father and that Shah Khalid being juvenile did not know how to load and make firing

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on pistol. It is also mentioned that due to fear of enmity neither the complainant, nor the people of the locality are ready to give statement against the present accused/petitioner. The offence is heinous in nature and after deletion of the juvenile accused Shah Khalid, the present accused/petitioner is nominated by the IO. There is no malafide brought on the part of police, therefore, I am not inclined to release the accused/petitioner on bail at this stage.

7. 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
22.11.2024

Bakht Zada
22.11.24

BAKHT ZADA
Additional Sessions Judge-I, Orakzai
at Baber Mela