

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II**  
**ORAKZAI, AT BABER MELA**

BA No. 35 of 2019  
Muhammad Ismail Vs State

**ORDER**  
**16.12.2019**

Learned counsel for the accused/petitioner present.  
Umar Niaz DPP for the State present.

Accused/petitioner Muhammad Ismail s/o Haidar Khan  
r/o Mishti Khawaja Khizar District Orakzai seeks his post arrest  
bail in case FIR No. 41 Dated 01/12/2019 u/sec  
302,311,201/15AA PPC PS Lower Orakzai (Kalaya)

Brief facts of the case are that on 01/12/2019 Muhammad  
Shafiq SHO received information that Mst: Shad Bibi w/o Israf  
Shah and Hazrat Bilal s/o Noor Zali r/o Khawaja Khizar Lower  
Orakzai has been murdered on account of honour; that on that  
information he along with Saleem Khan HC, Constable Khan  
Zada and other police Nafri rushed to the spot and inquired  
about the occurrence; that after verification he came to know  
that accused Muhammad Ismail who is the brother in law of  
deceased Mst: Shad Bibi killed Mst: Shad Bibi and Hazrat Bilal  
due to their illicit relationship inter se and both the deceased  
have been buried. The complainant drafted the Murasila which  
was sent to the PS as a special report through Saleem Khan HC  
for registration of FIR against the accused and proceedings  
were initiated for exhumation of the dead bodies for the PM  
examination, hence the instant post-arrest bail petition  
submitted by the accused/petitioner for his release on bail.

Arguments for the learned counsel for the accused/petitioner and learned DPP for the state heard and record perused.

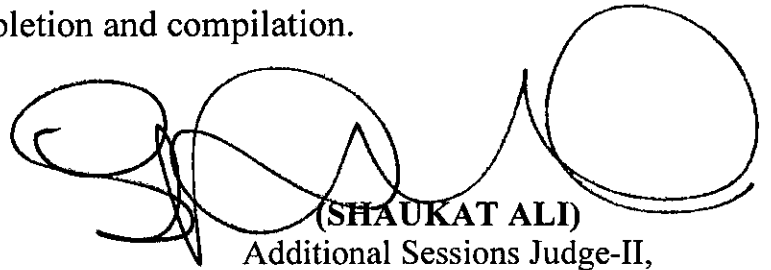
The tentative assessment of record would evince that the accused/petitioner is directly charge in the FIR by the complainant for double murder after due verification in the locality. During spot inspection blood stained earth and three empties of 7.62 bore were recovered from the place where the deceased Hazrat Bilal was murdered whereas signs of bullet marks and blood were found at the place where Mst: Shad Bibi was murdered which is supported by the site plan and photographs available on file that confirms the venue of offence. When the accused/petitioner was arrested, on his pointation the Kalashnikov which is the weapon of offence along with fixed charger containing five rounds of 7.62 bore was recovered. The accused pointed out the place of occurrence to the I.O and at the instance of accused points were added in the site plan which prima facie connect the accused/petitioner with the commission of offence. Furthermore, the accused/petitioner also confessed the commission of offence by recording his confession statement before the Judicial Magistrate which further connects the accused with the commission of offence. The medical reports of both the deceased available on file also support the case against the accused/petitioner. The offence for which the accused/petitioner

is charged falls within the prohibitory clause of section 497 Cr.P.C. In view of the available facts and circumstance of the case of the accused/petitioner is not arguable for the grant of bail.

In view of above, instant bail petition, being devoid of merits, stands rejected.

File of this Court be consigned to record room after its necessary completion and compilation.

**Announced**  
**16.12.2019**



(SHAUKAT ALI)  
Additional Sessions Judge-II,  
Orakzai at Babar Mela