

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

Bail Application No : 58/04 of 2025
Date of Institution : 14.05.2025
Date of Decision : 19.05.2025

Order No. 04
19.05.2025

Sr. PP, Abul Qasim for the state present.

Complainant Muhammad Kareem along with Khurshheed Alam Advocate present. Accused/petitioner was present through Sanaullah Khan Advocate. His arguments already heard, while arguments of the learned counsel for the complainant heard today and record gone through.

2. The accused/petitioner namely, Khan Akbar S/O Jannat Khan, R/O Qaum Sheikhan, Marghiyo Chan, Central Orakzai is seeking his post arrest bail in case FIR No. 11, Dated 25.02.2025, registered U/S 302 PPC, of Police Station Kurez Boya.

3. Facts of the case are that complainant Muhammad Kareem S/O Jamil Khan aged about 37/38 years reported the matter to Mujahid Khan SHO PS Kurez Boya at emergency room of DIHQ Hospital, Mishli Mela that his sister namely Mst. Izat Meena was wedded to accused/petitioner Khan Akbar for the last 14/15 months. That on 25.02.2025 at 0800AM his sister (deceased Izat Meena) called him and disclosed that her husband is use to quarrel and beat her and now he is bent upon killing her. The complainant asked her not to worry and he called the elder brother of her

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husband namely Khaista Khan. The complainant told him not to do any cruelty against his sister and if he had some problem with her, sent her to his house. After a while, Khaista Khan informed the complainant through cell phone that his sister has committed suicide. As earlier, sister of the complainant had informed him about the intentions of her husband, therefore, he is satisfied that his sister has been killed by her husband Khan Akbar S/O Jannat Khan by putting rope around her throat. He charged accused/petitioner Khan Akbar for the commission of offence.

4. Arguments heard and available record perused which shows that IO has placed on file CDR in respect of the calls made between the complainant, his sister and brother of the accused/petitioner which is available on the case file and admittedly the death of Mst. Izat Meena has taken place inside the room at the house of accused. The stance of the complainant is duly supported by the CDR available on the case file and Post-Mortem report which shows that strong circumstantial evidence exists against the accused/petitioner being husband of the deceased. As far as the question of direct evidence, i.e., eye-witness in respect of the occurrence is concerned, the availability of the same is ruled out because the occurrence has taken place inside the house of the accused/petitioner, so prima facie a strong case exist against the accused/petitioner and the punishment

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provided for the offence falls within the prohibitory clause of Section 497 Cr. PC. I am therefore, not inclined to release the accused/petitioner on bail at this stage

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 record be return back to the quarter concerned.

Announced
19.05.2025

Saker
19.5.25

BAKHT ZADA

Additional Sessions Judge-I, Orakzai
at Baber Mela