

4
MUHAMMAD SHOAIB VS STATE

FIR. No. 21, Dated 15.09.2024, U/S 302/34 PPC & 15-AA, PS: Ghiljo

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

Bail Application No : 53/4 of 2025
Date of Institution : 08 .05.2025
Date of Decision : 22.05.2025

MUHAMMAD SHOAIB VS THE STATE

ORDER

22.05.2025

Sr. PP for the State present. Accused/petitioner through Mr. Sanaullah Khan Advocate.

2. The accused/petitioner namely, Muhammad Shoaib S/O Muhammad Rasool r/o Mala Khel, District Orakzai is seeking his post arrest bail in case FIR No. 21, Dated 15.09.2024, U/S 302/34 PPC & 15-AA, registered at Police Station Ghiljo.

3. Facts of the case as reported in the murasila are that, on 15.09.2024 at Isha Vella, SHO of PS Ghiljo during Gasht received information that a dead body is lying near Ghondakay graveyard at the distance of 3/4km from the PS. He along with police constables Zahidullah no.1982, Sabz Ali no.965 and Muhammad Riaz no.1056 rushed to the spot, where he found the dead body of deceased Ghani Ur Rehman. Complainant Haji Rehman, who is father of deceased reported at the spot that on 14.09.2024 at Isha Vella the deceased while leaving his house has told that he is going to meet Muhammad Shoaib s/o Muhammad Rasool and Shakir Ullah S/O Muhammadi Khan and will return back late, but he did not return. Today at

Dated 22.5.25
BAKHT ZADA
Addl: District & Sessions Judge-1,
Orakzai at Hangu

FIR. No. 21, Dated 15.09.2024, U/S 302/34 PPC & 15-AA, PS: Ghiljo

1600 hours the complainant received information that his son Ghani Ur Rehman is lying dead at the place of occurrence. On the said information he along with relatives rushed to the spot and found the dead body. It has come to his knowledge that his son Ghani Ur Rehman has been murdered by accused Muhammad Shoaib and Shakir Ullah along with three unknown accused through fire arms. He has got no enmity with the accused named above. He charged the above named accused for the commission of offence. The Murasila was sent to PS through constable Sabz Ali no.1956 which was incorporated into abovementioned FIR.

4. Arguments heard and available record perused which shows that the accused/petitioner is directly charged in the FIR for the commission of offence along with four other co-accused. The accused/petitioner was arrested on the same day and addition was made in the site plan at the pointation of

Bakht Zada
22.5.25

BAKHT ZADA
Addl: District & Sessions Judge-1,
Orakzai at Hangu

co-accused Shakir Ullah, who shown the presence of the accused/petitioner at point No.4 and it is mentioned that he hit the head of the deceased. This statement of the co-accused Shakir Ullah is duly supported by the post mortem report of the deceased wherein lacerated wounds is shown on the back of the skull at the occipital region. Scalp and skull both are damaged. The circumstantial evidence mentioned by the complainant in his report also support the version of

6

MUHAMMAD SHOAIB VS STATE

FIR. No. 21, Dated 15.09.2024, U/S 302/34 PPC & 15-AA, PS: Ghiljo

the prosecution; therefore, keeping in view the above facts and circumstances I hereby dismissed the bail petition. Requisitioned record be sent back 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
22.05.2025

Bakht Zada
22.5.25
BAKHT ZADA

Additional Sessions Judge-I, Orakzai
at Baber Mela