04

IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAI

Bail Petition ..... 33/4 of 2023.

Date of institution.....26.04.2023.

Date of decision.....03.05.2023.

Brother of accused/petitioner namely Muhammad Naeem. Mr Saeed Marwat Advocate for complainant.

APP for the state

Order – 03
03.05.2023

APP for the state present. Brother of accused/petitioner namely Muhammad Naeem present. Written arguments on behalf of counsel for accused/petitioner already submitted. Record already received. Arguments of counsel for complainant and APP for the state heard and record perused.

Accused/petitioner namely Sami Ullah S/O Hassan Gul R/O Momin Garhi Aba Khel, District Orakzai is seeking his post arrest bail in case FIR No.37 dated: 11.04.2023 U/S 324 PPC, PS Kalaya, Orakzai.

Perusal of record reveals that accused/petitioner is directly and by name charged in promptly lodged FIR with effective role. Per medico-legal report of injured/complainant namely Muhammad Arif, the nature of injury is dangerous. Blood-stained earth and empty shell of 9 MM has been recovered from the spot. Sufficient material is available on file connecting the

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ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

accused/petitioner with the commission of the offence. Deeper appreciation of evidence is not permissible at bail stage. The offence with which accused/petitioner is charged falls within the ambit of prohibitory clause of Section 497 Cr.P.C. In the given circumstances the accused/petitioner is not entitled to the concession of bail.

Consequently, the application is turned down. Copy of this order be placed on judicial as well as police file. Requisitioned record be sent back to the quarter concerned forthwith.

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

ANNOUNCED:
03.05.2023

Zahir Khan
Judicial Magistrate-I,
Tehsil Kalaya, Orakzai