

Or.....04
23.01.2023

APP for the state present. Accused/Petitioner through his counsel and complainant in person alongwith counsel present.

The petitioner/Accused namely Asad Ullah S/O Afzal Khan has applied for his post arrest bail in case FIR No. 22, Dated: 16.11.2022 U/S 436/506/34 PPC registered in PS Kuriz Boya, lower Orakzai.


Arguments heard and file perused.

Perusal of record reveals that though the accused/Petitioner is directly nominated in the FIR and the offence for which the accused/ Petitioner is charged, falls within the prohibitory clause of section 497 Cr.P.C; however, the complainant is not the eye witness of the occurrence. Moreover, no specific role has been attributed to the present accused/petitioner and one of the co-accused has already been bail out by the order of Hon'ble Sessions Judge, Orakzai on 12.01.2023 (attested copy of the same is perused and is placed on file). Furthermore, same role has been attributed in the FIR to the present accused/petitioner and to the co-accused on bail. Moreover, accused/petitioner has not confessed his guilt before the court. The present accused/petitioner is juvenile. And noting incriminating has been recovered from possession or on pointation of the accused/petitioner.

All the aforementioned circumstances throw the case of accused/petitioners within the ambit of further inquiry of section 497 Cr.P.C and rule of consistency is also applicable to the present petition.

Hence, in view of what is discussed above, the accused/petitioner are admitted to the concession of bail provided he submits bail bonds in sum of Rs. 200,000/- with two sureties, each in the like amount to the satisfaction of this court. Sureties must be local, reliable and men of means. Copy of this order be placed on police as well as judicial record. The requisitioned record be sent back to the quarter concerned forthwith, while file of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED
23.01.2023


SAMI ULLAH
Civil Judge/JM-I/MOD,
Orakzai (At Baber Mela)