

IN THE COURT OF SHAUKAT AHMAD KHAN  
SESSIONS JUDGE, ORAKZAI AT BABER MELA

Bail Application No : 3/4 of 2023  
Date of Institution : 06.01.2023  
Date of Decision : 12.01.2023

BAKHTIAR AKBAR VS THE STATE

ORDER

DPP, Umar Niaz for the State and Hassan Ahmad Khan Advocate for accused/petitioner present. None present for complainant. Arguments heard and record gone through.

2. The accused/petitioner, **Bakhtiar Akbar** s/o Khan Baz, seeks his post arrest bail in case FIR no. 22, dated 16.11.2022, u/s 436/506/34 PPC of Police Station Kurez Boya wherein, as per contents of FIR, the complainant on 16.10.2022 at about 1700 hours made a report to the local police to the fact that on that day he along with his cousins were busy in repairing the damaged house situated at Chappar Mishti when the accused/petitioner along with co-accused duly armed came there, criminally intimidated them by aiming their weapon at them (complainant party) and made them leave the spot. While they were on way to their house situated at KDA Kohat, they were informed by a friend that the accused/petitioner and his co-accused have put on fire his (complainant) house and when they

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returned to spot, they found their house burnt.  
Hence, the present FIR.

3. It is evident from the record 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 CrPC; however, the complainant is not the eyewitness of the occurrence rather he has been informed by his friend but neither the name of his friend has been disclosed nor his statement has been recorded by the police. Moreover, no specific role of intimidation or mischief has been attributed to the accused/petitioner. Furthermore, nothing incriminating has been recovered from possession or on pointation of the accused/petitioner.

All the aforementioned circumstances throw the case of the accused/petitioner within the ambit of further inquiry of section 497 CrPC.

4. Hence, in view of what is discussed above, the accused/petitioner is 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 Judicial Magistrate/MOD. Sureties must be local, reliable and men of means. Consign.



**Pronounced**  
12.01.2023

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