

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

Bail Application No : 5/4 of 2023  
Date of Institution : 10.01.2023  
Date of Decision : 20.01.2023

YARA DIN ETC. VS THE STATE

ORDER

DPP, Umar Niaz for the State and Khursheed Alam Advocate for accused/petitioners present. Mr. Abid Ali Advocate, the counsel for complainant, present. Mr. Mudassir Ijaz Advocate, the counsel for first party, present. Arguments heard and record gone through.

2. The accused/petitioners, **Yara Din** s/o Muhammad Din, **Alamzeb** s/o Din Muhammad, **Muhammad Alman** s/o Din Muhammad, **Muhammad Shoaib** s/o Aslam Khan, **Sohail** s/o Luqman, **Mamoor Jaan** s/o Mian Jaan, **Ghafran** s/o Muhammad Luqman, **Muhammad Yasin** s/o Jamadar and **Aslam** s/o Yara Din, after being rejected to be released on bail vide order dated 10.01.2023 of learned Judicial Magistrate/SCJ, Orakzai, seek their post arrest bail in case FIR no. 126, dated 31.12.2022, u/s 324/148/149 PPC & 15AA of Police Station Kalaya wherein, as per contents of FIR, the local police on 31.12.2022 during routine patrolling acting on information regarding the occurrence, reached THQ hospital where injured/complainant Ahmad Ali made a report to the local police that on that day at 1030 hours he was present at Anjani bazar for purchasing household articles where Fateh Muhammad etc., the first party and Yara Din etc., the second party, started firing at each other, as a

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result of which he got hit and received injury on his left thigh and that besides him, other people also received injuries. Hence, the present bail petition.


3. Counsels for both the parties stated at the bar that they have got no objection if both sets of accused are released on bail.

4. With respect to merits of the case, though the accused/petitioners are directly nominated in the FIR and the offence for which the accused/petitioners are charged, falls within the prohibitory clause of section 497 CrPC but it is yet to be determined during the trial that as to firing of which of the party and which of the accused/petitioner, the injured/complainant has received injury. Moreover, no incriminating material has been recovered from any of the accused/petitioners from their possession or on their pointation.

5. Hence, in view of what is discussed above, the accused/petitioners are admitted to the concession of bail provided each of accused/petitioners submits a bail bond in the sum of Rs. 100,000/- with two sureties each, each in the like amount to the satisfaction of Judicial Magistrate/MOD concerned. Sureties must be local, reliable and men of means.

6. Copy of this order be placed on judicial/police file. Consign.

**Pronounced**  
20.01.2023

  
**SHAUKAT AHMAD KHAN**  
Sessions Judge, Orakzai  
at Baber Mela

