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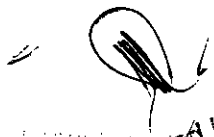
IN THE COURT OF SHAUKAT AHMAD KHAN,
SESSIONS JUDGE, ORAKZAI AT BABER MELA

Bail Application No : 6/4 of 2023
Date of Institution : 12.01.2023
Date of Decision : 20.01.2023
FATEH MUHAMMAD ETC. VS THE STATE

ORDER

DPP, Umar Niaz for the State and Mudassir Ijaz Advocate for accused/petitioners present. Mr. Abid Ali Advocate, the counsel for complainant, present. Mr. Ibrar Muhammad Awan Advocate, the counsel for second party, present. Arguments heard and record gone through.

2. The accused/petitioners, **Fateh Muhammad** s/o Abdul Ghaffar, **Adam Khel** s/o Abdul Sattar, **Abdul Azeem** s/o Miraj, **Muhammad Jhanzeb** s/o Marwat Khan and **Ijaz Ul Haq** s/o Muhammad Khan, 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 result of which he got hit and received injury on his left thigh and that besides him, other people


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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 except alleged recovery of 30-bore pistol upon pointation of accused/petitioner Muhammad Jahanzeb but that too is yet to be determined as to whether it is a weapon of offence or otherwise.

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