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

Bail Application No : 15/4 of 2023  
Date of Institution : 07.02.2023  
Date of Decision : 09.02.2023

KHURSHEED ETC. VS THE STATE

ORDER

DPP, Umar Niaz for the State and Yasir Iqbal Advocate for accused/petitioners present. Complainant Muhammad Hussain present in person. Record received. Arguments heard and record gone through.

2. The accused/petitioners, after being refused to be released on bail vide order dated 06.02.2023 of learned Judicial Magistrate-I, Orakzai, seeks his post arrest bail in case FIR no. 02, dated 25.01.2023, u/s 392/353/186/189 PPC of Police Station Ghiljo wherein, as per contents of FIR, the local police on the basis of information regarding the occurrence reached the spot where constable Muhammad Hussain no. 1917 on 25.01.2023 at 1700 hours made a report to the police to the fact that on that day at 1620 hours he, duly armed with official weapon no. 5727693, while on his way from his house to the place of his posting i.e., Sama Bazar check-post, when reached on the spot, three unknown accused who had muffled their

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faces snatched the official weapon from him by putting a knife on his neck. He charged unknown accused for the commission of offence. Hence, the present FIR.

On 27.01.2023 the accused/petitioner Khursheed was interrogated by the police on the basis of suspicion and on whose pointation the snatched rifle and weapon of offence were recovered. He was produced before the court of Judicial Magistrate where he confessed his guilt before the court and disclosed the names of his accomplices as Inam Uddin and Wahid Ullah, the other accused/petitioners.

3. It is evident from the record that the accused/petitioners Inam Uddin and Wahid Ullah are charged in the instant case on the basis of statement of co-accused Khursheed, the relevancy of which to the extent of the above-named accused/petitioners will be determined during the trial. Moreover, no incriminating material has been recovered from the possession or on pointation of the above-named accused/petitioners. So far, the accused/petitioner Khursheed is concerned, he has confessed his guilt before the Judicial Magistrate. Moreover, the snatched rifle and weapon of offence have been recovered on his pointation.

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Furthermore, the offence for which the accused/petitioner is charged is heinous in nature and falls within the prohibitory clause of 497 Cr.P.C.

4. Hence, in view of what is discussed above, the accused/petitioners Inam Uddin and Wahid Ullah are admitted to the concession of bail provided each of the accused/petitioner he submits a bail bond in the sum of Rs. 200,000/- with two sureties, each in the like amount to the satisfaction of Judicial Magistrate concerned/MOD. The sureties must be local, reliable and men of means. While the application of the accused/petitioner Khursheed for his post-arrest bail is turned down.

Consign.

**Pronounced**  
09.02.2023



  
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