

(8)

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


Bail Application No : 30/4 of 2023  
Date of Institution : 06.04.2023  
Date of Decision : 10.04.2023

MUHAMMAD HAMAS ETC. VS THE STATE

ORDER

DPP, Umar Niaz for the State present. Mr. Kamran Khan Advocate present and submitted Wakalatnama on behalf of accused/petitioner. Placed on file. Record received. Arguments heard and record gone through.

2. The accused/petitioner, **Muhammad Hamas** s/o Said Jamal and **Luqman** s/o Gul Rahim, after being refused to be released on bail vide order dated 04.04.2023 of learned Judicial Magistrate-I, Tehsil Kalaya, District Orakzai, seek their post arrest bail in case FIR no. 06, dated 31.01.2023, u/s 420/468/471/34 PPC of Police Station Mishti Mela, wherein, as per contents of FIR, the accused/petitioners applied for admission in MBBS to Khyber Medical University against the reserved seats of District Orakzai on the basis of Domicile No. 52709 of 01.03.2014 and Domicile No. 52664 of 08.01.2014 respectively both of District Orakzai, which on verification from the Deputy Commissioner concerned, were found forged. Hence, the present FIR.

  
Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai, Baber Mela  
10/04/23

3. It is evident from the record that though the accused/petitioners are directly nominated in the FIR but the offences for which the accused/petitioners are charged do not fall within the prohibitory clause of section 497 Cr.P.C. Moreover, though as per record both the accused/petitioners are of the age of 20 and 19 years respectively, but the alleged domicile certificates have been shown forged in 2014 and at that time both the accused/petitioners were below the age of 18 years; therefore, they are also entitled to be released on bail u/s 5 of the Juvenile Justice System Act, 2018.

4. Hence, in view of what is discussed above, bail petition in hand stands accepted and the accused/petitioners are admitted to the concession of bail provided each of the accused/petitioner 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 concerned/MOD. The sureties must be local, reliable and men of means.

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

**Pronounced**  
10.04.2023



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