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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II ORAKZAI, AT  
BABAR MELA**

BA No. 62 of 2020

Hayat Wali etc VS State

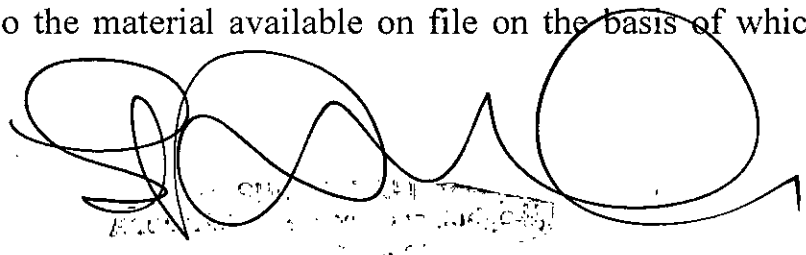
**ORDER**  
**24.11.2020**

Jahanzeb for accused/petitioner present. Mr. Javid Iqbal Anwar Sr.PP for the State present. Complainant Mirmat Khan in person present. Mr. Jabir Hussain Advocate, learned counsel for the complainant also present.

Accused/petitioners Hayat Wali S/o Riayat Khan and Drasta Khan S/o Shareef R/o Sheraz Ghari District Orakzai are seeking post-arrest bail in case FIR No.27 dated 20/08/2019 u/s 436,452,148, 149-PPC of PS Lower Orakzai (Kalaya) wherein the accused/petitioners along with their other co-accused are charged for putting fire to the house of complainant.

Arguments of learned counsel for the accused already heard who also submitted written arguments and today arguments of learned Sr.PP for the state assisted by counsel for the complainant heard.

The perusal of record would transpire that the co-accused in the instant case has already been released on bail by this court. The case of accused/petitioners is at par with that of the co-accused already released on bail therefore the principle of consistency is attracted to the case of accused/petitioners which also entitles them for the grant of bail. So far as abscondance of accused/petitioners is concerned that is not a hurdle in the grant of bail to the accused/petitioners as accused/petitioners have arguable case for the grant of bail on merits after going to the material available on file on the basis of which the



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co-accused are granted bail by this court. The accused are behind the bar since their arrest and no more required for further investigation, therefore this court is inclined to release the accused/petitioners on bail.

In view of the above discussion the bail petition in hand is accepted and the accused/petitioners are ordered to be released on bail subject to furnishing surety bond in the sum of Rs. 100, 000/- with two sureties each in the like amount to the satisfaction of this court. The sureties must be local and men of means.

File of this Court be consigned to record room after its necessary completion and compilation.

**Announced**  
**24.11.2020**



**(SHAUKAT ALI)**  
Additional Sessions Judge-II,  
Orakzai at Babar Mela