

7

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


Bail Application No : 42/4 of 2023
Date of Institution : 09.05.2023
Date of Decision : 18.05.2023

RANG WALI VS THE STATE

ORDER

DPP Umar Niaz for State, Ishtiaq Ur
Rehman Advocate for complainant and Insaf Ali
Advocate for accused/petitioner present.
Arguments heard and record gone through.

2. The accused/petitioner, **Rang Wali** s/o
Aman Ali seeks his post arrest bail in case FIR no.
08, dated 08.03.2023, u/s 302/34 PPC of Police
Station Kurez, wherein as per contents of FIR, the
local police on 08.03.2023 acting on information
regarding the occurrence reached THQ hospital
Kalaya and found the dead body of Mudassir Ali
in emergency room where the complainant Janan
Ali, the uncle of the deceased, at about 02:00 hours
made a report to the local police to the fact that on
the preceding night he along with Zeeshan Ali and
his nephew Mudassir Ali were cutting and
uprooting the walnut tree in their fields in the
meanwhile the accused/petitioner along with co-
accused Muqadas Khan duly armed came on the
spot and the co-accused Muqadas Khan at the


Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela

18/05/23

8


Lalkara of the present accused/petitioner started firing at Mudassir Ali as a result of which he got hit and died on the spot. Hence, the present FIR.

3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR and the offence for which the accused/petitioner is charged falls within the prohibitory clause of 497 Cr.P.C but the accused/petitioner is charged for proverbial *Lalkara* and this fact is alone sufficient to through the case against the accused/petitioner within the ambit of further inquiry to the fact that as to why the accused/petitioner despite being shown armed with weapon, has contented with *Lalkara* instead of having a weapon for making firing at the deceased.

4. Hence, in view of what is discussed above, the accused/petitioner is admitted to the concession of bail provided 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.

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

Pronounced
18.05.2023


SHAUKAT AHMAD KHAN
Sessions Judge, Orakzai
at Baber Mela

