

(4)

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

Bail Application No : 47/4 of 2023  
Date of Institution : 24.05.2023  
Date of Decision : 30.05.2023

MAST ALI VS THE STATE

ORDER

DPP, Umar Niaz for the State and Fawad

Hussain Advocate for accused/petitioner present.

Complainant Fazal Ameen present in person.

Arguments heard and record gone through.

2. The accused/petitioner, **Mast Ali** s/o Miras Khan, after being refused to be released on bail vide order dated 24.05.2023 of learned Judicial Magistrate-I, Tehsil Kalaya, District Orakzai, seeks his post arrest bail in case FIR no. 37, dated 11.04.2023, u/s 324 PPC of Police Station Kalaya, wherein, the injured/complainant Fazal Ameen on 11.04.2023 at about 1830 hours at THQ Hospital Kalaya reported the matter to the local police vide Daily Dairy No. 10 of the same day to the fact that on that day the complainant while leaving his house for taking a gate purchased by him at Bara, when reached near accused Muhammad Arif who was already present over there, he (accused Muhammad Arif) made aerial firing for intimidating him but he was overpowered by him (complainant), meanwhile the accused/petitioner Mast Ali duly armed with Kalashnikov came out of his house and made firing at him, as a result of which he

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received injury on his palm. Besides him, accused Muhammad Arif also received injuries due to the firing of accused/petitioner. Hence, the present FIR.

3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR, the offence for which the accused/petitioner is charged falls within the prohibitory clause of 497 Cr.P.C and the matter has been claimed to be a cross version of the report made by injured Muhammad Arif but the matter has been reported to the police with a delay of about three hours. Moreover, as per MLC report it is not clear that as to whether the injury is a firearm injury or otherwise. Furthermore, no empty of 7.62 bore has been recovered from the spot. In these circumstances though, the time and venue of occurrence is same as that matter reported by injured Muhammad Arif but it is yet to be determined that whether the instant case reported vide DD no. 10 of 11.04.2023 is a cross version of the matter reported by complainant Muhammad Arif vide FIR of the instant case.

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 MOD/Judicial Magistrate concerned. Consign.

**Pronounced**  
30.05.2023

  
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Sessions Judge, Orakzai  
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