

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

Bail Application No : 50/4 of 2023
Date of Institution : 19.06.2023
Date of Decision : 26.06.2023

MUKHIAR HUSSAIN VS THE STATE

ORDER

DPP Umar Niaz for State and Tajamal Hussain Advocate for complainant present. Accused/petitioner present through his grandfather Arif Ali. Arguments of learned counsel for complainant heard while arguments of learned counsel for accused/petitioner have already been heard on previous date. Record gone through.

2. The accused/petitioner, **Mukhiar Hussain** s/o Bakhtiar Ali seeks his post arrest bail in case FIR no. 44, dated 26.04.2023, u/s 302 PPC of Police Station Kalaya, wherein as per contents of FIR, the local police on 26.04.2023 acting on information regarding the occurrence reached the spot and found the dead body of Atif Ali along with a pistol and an empty shell of 30-bore where the complainant Amjid Ali, the brother of the deceased, at about 08:00 hours made a report to the local police to the fact that on the preceding night the deceased after having supper went to his Hujra whereafter on the next day Dast Ali informed him (complainant) that his brother has been murdered by unknown accused at the place of occurrence.

Hence, the present FIR. On 04.05.2023, the complainant recorded his statement u/s 164 CrPC


Shaukat Ahmad Khan
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and charged the present accused/petitioner for the commission of offence.


3. It is evident from the record that though the offence for which the accused/petitioner is charged falls within the prohibitory clause of section 497 Cr.P.C but the accused/petitioner is charged for the commission of offence on 04.05.2023 after a period of more than 07-days and that too on the basis of information and satisfaction but no source of information and satisfaction has been disclosed. Moreover, nothing incriminating has been recovered from possession of the accused/petitioner except a pistol allegedly recovered on pointation of the accused/petitioner, the authenticity of which will be determined during trial. Furthermore, the accused/petitioner has remained in police custody for 02-days but no confession or admission has been made by him.

4. Hence, in view of what is discussed above, it is held that the case against the accused/petitioner falls within the ambit of further inquiry of section 497 CrPC; therefore, he is admitted to the concession of bail provided he submits a bail bond in the sum of Rs. 100,000/- 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
26.06.2023




SHAUKAT AHMAD KHAN
Sessions Judge/Judge Juvenile Court,
Orakzai at Baber Mela