

3

Court of Additional Sessions Judge, Orakzai at Baber Mela

BA. 52/4 of 2023
Atta Ullah etc. vs State

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	07.07.2023	<p>Mr. Sana Ullah Khan advocate represented accused/petitioner and Nisar Ahmed Khan APP for State are in attendance. Record received and arguments heard; whereas, this is the disposal of captioned post arrest Bail Application, submitted by accused/petitioners Atta Ullah and 04 others.</p> <p>2. Accused/petitioners Atta Ullah, Muhammad Ayaz, Luqman Ameen, Talab Khan and Muhammad Zahid, residents of, Qaum Feroz Khel, Tappa Qasim Khel, District Orakzai seek their post arrest bail in case FIR No. 68 dated 02/07/2023 registered under section 506/148/149 of the Pakistan Penal Code, 1860 and Section 15 of KP Arms Act, 2013 in Police Station Kalaya, Orakzai; wherein, accused are charged for cross areal firing and for recovery of one Rifle from the possession of accused Ameen along with 03 live rounds of 7.62 bore and one Pistol along with fixed charger and 02 live rounds of 30 bore from the possession of other accused Muhammad Zahid. The petitioner moved the Court with application for post-arrest bail which is under consideration.</p> <p>3. Learned counsel for accused/petitioners and learned Assistant Public Prosecutor for State were heard at length and file gone through.</p> <p>4. This is tentative assessment of record available on file as deep appreciation of evidence is not required at this stage. It is daylight occurrence but no independent witnesses have been associated with the incident. The incident has been reported with two different versions and determination at this stage about the aggressor and aggressed upon is premature. Motive has not been assigned for alleged commission of offence. All these facts render</p>


SAYED FAZAL WADOOD
Addl: District & Sessions Judge
Orakzai at Hangu

(4)

the case of petitioner as that of further inquiry. Moreover, the offences with which accused are charged are not attracting prohibitory clause of Section 497 of the Code of Criminal Procedure, 1898; where grant of bail is general rule.

5. For what has been discussed above, instant bail petition stands allowed subject to furnishing bail bonds to the tune of Rupees eighty thousand (Rs. 80,000/-); with two sureties; each in the like amount; to the satisfaction of this Court. File be consigned to District Record Room, Orakzai after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on record of Police to be returned accordingly.

6. Announced in open Court.



Sayed Fazal Wadood,
AD&SJ, Orakzai at Baber Mela