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

BA No. 53/4 of 2023
Ghani Badshah 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	24/07/2023	<p>Mr. Aziz-ur-Rehman advocate represented accused/petitioner; complainant along with counsel and Nisar Ahmed APP for State are in attendance. This is the disposal of captioned post arrest Bail Application, submitted by accused/petitioner Ghani Badshah.</p> <p>2. Muhammad Akram complainant being brother of deceased reported the incident that Muhammad Nawaz deceased while grazing goats in Gowak Dara's mountain, was killed by some unknown accused. The complainant has no enmity with anybody in the area and has lodged report against unknown persons vide FIR No. 64 dated 16-06-2023 under Section 302 of Pakistan Penal Code, 1860 in Police Station Kalaya, Orakzai. Later on, the complainant Kinar Jan being mother of deceased recorded her statement under Section 164 of the Code of Criminal Procedure, 1898 and charged Ghani Badshah (present petitioner) for commission of such offence. On arrest, he presented instant post arrest bail petition, which is under consideration.</p> <p>3. Arguments of the learned counsel for the accused/petitioner and learned APP for the State assisted by counsel for the complainant heard and record perused.</p> <p>4. The tentative assessment of record reveals that unknown person has initially been charged in the contents of FIR by the brother of deceased. Later on, that too, with the delay of 18 long days, the mother of deceased charged present petitioner in her supplementary statement. She neither disclosed motive nor source of information in her statement recorded before the learned Magistrate. It has been settled in "Ihsan Ullah vs State" case reported as 2012 SCMR 1137 that two versions of the incident recorded by</p>


SAYED FAZAL WADOOD
Addl. District & Sessions Judge
Orakzai/Hangou

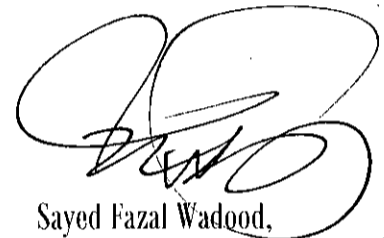
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separate persons of the legal heirs render the case against the accused as one of further inquiry into his guilt. Similarly, neither recovery of weapon of offence has been made from the accused nor he confessed his guilt before the Court. Investigation is complete and keeping petitioner behind the bar will serve no purpose.

5. For what has been discussed above, petitioner is admitted to bail subject to furnishing bail bonds to the tune of Rs. 150,000; with two sureties, each in the like amount; to the satisfaction of this Court.

6. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for; whereas, record be returned with the photocopy of this Order.

7. Announced in open Court.



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