

W

Court of Additional Sessions Judge, Orakzai at Baber Mela

BA. 64/4 of 2023  
Feroz Khan 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	05/08/2023	<p>Mr. Sajid Rehman Advocate represented accused/petitioners; Mr. Nisar Ahmed APP for the State assisted by Mr. Fazal Malik Kaka Khel Advocate for complainant, are in attendance.</p> <p>2. Arguments heard; whereas, this order is intended to dispose of the captioned Bail Application submitted by Accused/petitioners Feroz Khan son of Raza Khan, Shabir son of Feroz Khan and Faiz Ullah son of Khewa Khan, all resident of Naka Mela, District Orakzai.</p> <p>3. Shamal Khan son of Rehman Gul reported the matter of sustaining injuries by Shah Ayaz and his father Rahim Khan being beaten by the accused while attempting the kidnaping, to the local police which was incorporated into Daily Diary No. 09 dated 30.04.2023. Rahim Khan (abductee) was recovered from the Hujra of accused and had been shifted to DHQ Mishti Mela. On receiving medico legal report (MLC), local police has referred the matter to District Public Prosecutor for opinion. Consequently, FIR bearing No.20 dated 22.06.2023 was registered under sections 337 F(iii)/ 365/148/149 of Pakistan Penal Code 1860, in Police Station Central Mishti Mela, Orakzai. Petitioners being behind the Bar as co-accused moved this Court with application for post arrest bail which is under consideration.</p> <p>4. Arguments of counsel for the accused/petitioners, counsel representing complainant and APP for State heard and record perused.</p> <p>5. On tentative assessment of the record being stage of bail, it is being reflected that the incident has been reported with counter version followed by registration of different FIRs, one is FIR No.0 Dated 22.06.2023 and the second is FIR bearing NO.24 Dated 13.07.2023. One party (the</p>

  
**SAYED FAZAL WADOOD**  
Additional District & Sessions Judge  
Orakzai at Hangu

3

BA. 64/4 of 2023  
Feroz Khan etc vs State

complainant of this case) has already been extended the concession of bail in BA.66/4 and thus the petitioners being second party is also entitled for the same relief; the principal which has been adopted in 2004 PCrLJ 127. Similarly, the case of counter version by itself can be stretched as valid ground of further inquiry. These facts sufficiently renders the case of petitioners as that of further inquiry. Moreso, there is no concept of withholding bail as matter of punishment; especially, where prohibition is not attracted.

6. In view of the above, the plea of bail is accepted. Consequently, the accused/petitioners are released on bail subject to furnishing surety bond in the sum of Rs. 120,000/- with two sureties, each in the like amount, to the satisfaction of this Court.

7. File of this Court be consigned to District Record Room, Orakzai after its necessary completion and compilation within the span allowed for. Record of the Police be sent back with copy of this Order.

**8. Announced in the open Court.**

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