

(5)

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

BA No. 20 of 2021
Khaleel Rehman etc Vs State

BA No. 21 of 2021
Taza Khen Vs State

BA No. 22 of 2021
Sialal Shah Vs State

BA No. 23 of 2021
Jamal Gul etc Vs State

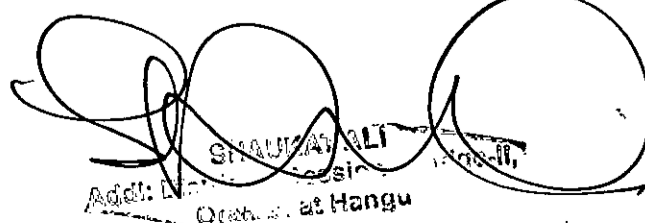
ORDER

11.02.2021

Learned counsels for the accused/petitioners present. Mr. Javid Iqbal Anwar Sr.PP for the State present.

This consolidated order is intended to disposed of four bail applications titled above submitted by the following named accused/petitioners

- | | | | |
|----|------------------------------------|----|--------------------------------|
| 1 | Khaleel Rehman s/o Habib Rehman | 17 | Azmat Ullah s/o Feroz Khan |
| 2 | Jaman Shah s/o Zarbad Shah | 18 | Muhammad Sajid s/o Syed Asghar |
| 3 | Taza Khan s/o Yaqoob Khan | 19 | Jamal Gul s/o Nasrullah |
| 4 | Sialal Shah s/o Suliman Shah | 20 | Khaista Asghar s/o Mir Asghar |
| 5 | Hazrat Khan s/o War Khan | 21 | Daud Khan s/o Buhadar Khan |
| 6 | Khiasta Mir Shah s/o Sultan Shah | 22 | Abdul Raziq s/o Sakhi Badshah |
| 7 | Umar Badshah s/o Haji Badshah | 23 | Abdulatif s/o Malook Shah |
| 8 | Hafeez Ullah s/o Sultan Akbar | 24 | Lal Qadir s/o Saadat Khan |
| 9 | Muhammad Barich s/o Abdul Muhammad | 25 | Mir Ashar s/o Khail Akbar |
| 10 | Habib Ullah s/o Mian Afzal | 26 | Wakeel Khan s/o Hahim Khan |
| 11 | Fazal Manan s/o Olis Khan | 27 | Riaz s/o Ubid Khan |
| 12 | Jalat Khan s/o Muhammad Ayub | 28 | Muhammad Zubair s/o Ajmir |
| 13 | Mahammad Shakeel s/o Gul Nazir | 29 | Zalim Shah s/o Islam Shah |

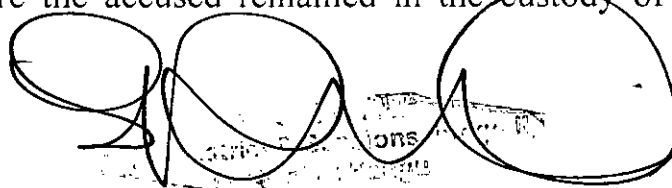

SHAUZAT ALI
Addl. Magistrate
Orakzai, at Hangu

- (B)
- 14 Rasool Badshah s/o Sahib Shah 30 Umar Hayat s/o Gul Zada
15 Islam Buhadar s/o Khan Buhadar 31 Hassan Buhadar s/o Khan Buhadar
16 Khail Buhadar s/o Meena Dar

all r/o Lower and Central District Orakzai seeking their post arrest bail in case FIR No. 06 dated 31/01/2021 u/sec 302/324/353/436/427/148/149 PPC PS Upper Orakzai wherein three deceased persons were murdered and two other persons got injured during counter firing.

Arguments for the learned counsels for the accused/petitioners and learned Sr.PP for the state heard and record perused.

The tentative assessment of record would evince that accused/petitioners are neither shown armed with fire arm weapons nor any role of firing has been attributed to them. The accused/petitioners are also not charged for the murder of deceased person nor for the injuries sustained by the injured persons during the occurrence. During the course of investigation the statement of legal heirs of deceased persons recorded under 164 Cr.PC wherein the accused/petitioners are also not charged for the murder of deceased persons. The record would further show that another FIR No. 07 is also registered in respect of murder of deceased Itbar Gul where the names of the accused/petitioners are also not mentioned for the commission of offence. In the site plan available on file no specific point has been given for the accused/petitioners nor the accused/petitioners are shown making firing at the place of occurrence. The aforementioned facts make the case of accused/petitioners one of further inquiry. Furthermore the accused remained in the custody of police however

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during custody neither the accused/petitioners confessed nor the recovery of any weapon of offence has been effected from them. The accused/petitioners are interrogated in the instant case and are no more required for any further investigation, therefore the case of the accused/petitioners is arguable for the grant of bail.

In view of the above discussion all the four the bail petitions titled above are accepted and the accused/petitioners are ordered to be released on bail subject to furnishing surety bond in the sum of Rs. 200,000/- with two sureties each in the like amount to the satisfaction of this court. The sureties must be local and men of means.

File of this Court be consigned to record room after its necessary completion and compilation.

Announced
11.02.2021


(SHAUKAT ALI)
Additional Sessions Judge-II,
Orakzai at Babar Mela