

5

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

BA No.25 of 2021  
Rizwan Ullah etc Vs State

**ORDER**  
**16.02.2021**

Mr. Sajid Rehman Khattak Advocate, learned counsel for the accused/petitioners present. Mr. Javid Iqbal Anwar Sr.PP for the State present. Mr. Sana Ullah Advocate along with complainant present and submitted W/N on behalf of complainant.

Accused/petitioners Rizwan Ullah and Khamin Ullah Ss/o Anar Badshah r/o Atman Khel, Feroz Khel District Orakzai seek their post arrest bail in case FIR No. 103 dated 24/09/2020 u/sec 302/34 PPC PS Lower Orakzai (Kalaya) wherein the accused/Petitioners are charged for the murder of deceased Minat Shah and Muhammad Anas through fire armed weapons.

Arguments for the learned counsel for the accused/petitioner and learned Sr.PP for the state assisted by the learned counsel for the complainant heard and record perused.

The tentative assessment of record would evince that the instant case is a cross version of case FIR No. 104 u/s 302/34 PPC of the same PS, therefore it is yet to be determent that which party was Aggressor and which party as aggressed upon. The co-accused in the instant case namely Najam Uddin s/o Anar Badshah granted bail in by the court of ASJ-I Orakzai vide order dated 18-11-2020, therefore keeping in view the principle of consistency, the accused/petitioners whose role is at far with that of the accused granted bail, are also entitle to be release on bail. The accused are already interrogated in the instance case and no more required for further interrogation, therefore this court is inclined to be released accused/petitioners on bail.

Adnl: District & Sessions Judge  
Orakzai

6

In view of the above discussion the bail petition in hand is accepted and the accused/petitioners are ordered to be released on bail subject to furnishing surety bond in the sum of Rs. 100, 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**  
**16.02.2021**



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