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

BA No. 18 of 2021

Niamat Ullah etc VS State

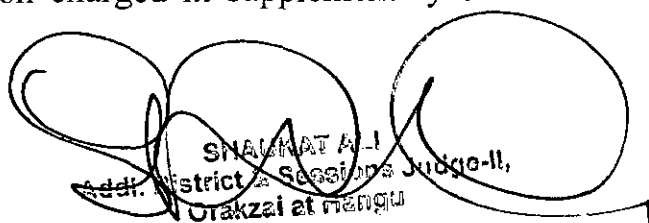
**ORDER**  
**20.02.2021**

Mr. Muhammad Iftikhar Khan Advocate, Learned counsel for the accused/petitioners present. Mr. Nisar Ahmad APP for the State present. Wali Rehman along with his counsel Mr. Sana Ullah Advocate present. Kabal Khan and Wazir Gul elders of locality also present.

Accused/petitioners Niamat Ullah s/o Hazrat Khan and Abdul Ullah s/o Niamat Ullah r/o Tribe Mishti, Tapa Haider Khel village Gojar Khel District Orakzai are seeking their post-arrest bail in case FIR No. 09 dated 26/01/2021 u/s 302/34 PPC PS Lower Orakzai, whereas the accused/petitioners are charged by Wali Rehman for the murder of his father deceased Mir Muhammad Khan in his statement recorded u/s 164 Cr.PC.

Today Wali Rehman appeared before the court along with elders of the locality and stated that he was searching and inquiring about the guilt of accused/petitioners with the help of elders of locality and now he is fully satisfied that the accused/petitioners are innocent and he has got no objection if the accused/petitioners are released on bail. Wali Rehman submitted affidavit before the court and his statement was recorded duly identified by the elders of the locality. The affidavit is placed on file as Ex.PA.

The accused/petitioners are not directly charged in the FIR but later on charged in supplementary statement of Wali Rehman

  
NIAMAT ALI  
Addl. District Sessions Judge-II,  
Orakzai at mangan

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recorded u/s 164 Cr.PC after 02 days of the occurrence. Except the supplementary statement of the Wali Rehman, no other incriminating materials available on file to prima facie connect the accused/petitioners with the commission of offence. Now Wali Rehman also does not charge the accused/petitioners and stated them to be innocent after due search and inquiry, hence the case of accused/petitioners fall within the ambit of further inquiry.

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**  
**20.02.2021**



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