

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

BA No.38 of 2021
Dost Muhammad Vs State

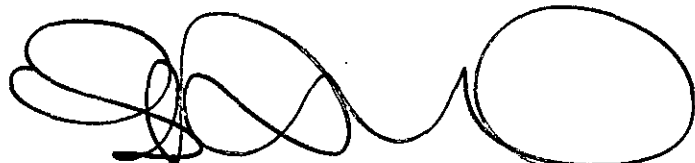
ORDER
15.03.2021

Mr. Sana Ullah Khan Advocate, learned counsel for the accused/petitioner present. Mr. Amir Shah APP for the State present. Complainant Najm Uddin in person present and stated that he does not want to engage counsel and learned APP may argue the case on his behalf.

Accused/petitioner Dost Muhammad s/o Sherin Khan r/o Utman Khel, Tapa Baranka Khel District Orakzai seeks his post arrest bail in case FIR No. 104 dated 24/09/2020 u/sec 302/34 PPC PS Lower Orakzai (Kalaya) wherein the accused/Petitioner is charged for the murder of deceased Amin Ullah s/o Anar Badshah through fire arm weapon.

Arguments for the learned counsel for the accused/petitioner and learned APP for the state heard and record perused.

The tentative assessment of record would evince that the co-accused Muhammad Shafiq charged in the instant case was granted bail by this court vide order dated: 16.02.2021 and the role of accused/petitioner is at par with that of the accused granted bail therefore under the principle of consistency the accused/petitioner is also entitled to be released on bail. Furthermore the instant case is a cross case of case FIR No. 103



SHAUKAT ALI
Addl. District Sessions Judge-II,
Orakzai at Hangu.

wherein all the accused are also granted bail. Besides being cross cases it is yet to be determined that who was the aggressor and who was aggressed upon. The accused/petitioner is interrogated in the instant case who neither confessed his guilt nor any recovery has been affected from his possession and he is no more required for any further investigation, hence the case of accused/petitioner is arguable for the grant of bail.

In view of the above discussion the bail petition in hand is accepted and the accused/petitioner is 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
15.03.2021



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