

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

BA No. 44/4 of 2021
Syed Amir Hussain Vs State

ORDER

22.04.2021

Mr. Imad Azam Khan Advocate, learned counsel for the accused/petitioner present. Mr. Syed Amir Shah APP for the State present. Mr. Fawad Hussain Advocate along with complainant present.

Accused/petitioner Syed Amir Hussain alias Ameer Hussain s/o Syed Muhammad Kazim r/o Tappa Mitha Khan Khel village Khorha, seeks his post arrest bail in case FIR No. 1 dated 20/03/2021 u/sec 302/34 PPC PS Kurez (Boya) wherein the accused/Petitioner is charged for the murder of deceased Gul Abbas and Shah Nawaz.

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

The perusal of record would evince that the accused/petitioner is not charged directly in the FIR nor any role has been attributed to him in the FIR. The accused/petitioner was later on charged in the supplementary statement recorded u/s 164 Cr.PC during the course of investigation on 25-03-2021 after five days of the occurrence. In the supplementary no. role of firing has been attributed to the accused/petitioner nor has the complainant given any source of satisfaction regarding the involvement of accused/petitioner in his 164 Cr.PC statement recorded before the Judicial Magistrate. Nothing is available on file to corroborate the statement of complainant in respect of role of accused/petitioner which makes the case of accused/petitioner one of further inquiry. Furthermore the accused/petitioner remained in

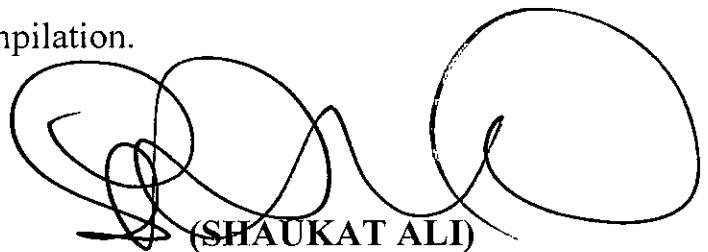

SHAUKAT ALI
Addl. District & Sessions Judge-II,
Orakzai at Hangu

the custody of Police but he did not confess his guilt. The occurrence is unseen one and there is no direct evidence to prima facie connect the accused/petitioner with the commission of offence. The case of accused/petitioner is arguable for the grant of bail and this court is inclined to release accused/petitioner on 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. 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
22.04.2021



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