

Order No. 06
03.05.2021

BA file received from the court of ASJ-II/Duty Judge, Orakzai. Be entered.

(2). DPP, Umar Niaz for State, Javid Muhammad Advocate for complainant and Syed Zahoor Ur Rehman Advocate for accused/petitioners present. Arguments heard and record gone through.

(3). Accused/petitioners; Umar Hayat, Sajid Ullah and Mujahid Khan seek their release on bail in case FIR No. 37, dated 16.03.2021 registered U/S 302 PPC at Police Station Lower Orakzai Kalaya, wherein they are charged for the murder of one, Shahid Khan.

(4). From the arguments and record available on file, it reveals that initially unknown accused were charged by the complainant for the murder of his son and the report was verified by his other son namely, Habib Rehman. It was on 07.04.2021 i.e., after 22 days of the occurrence when complainant, Isar Khan, his son Habib Rehman and one, Iqbal Khan while recording their statements u/s 164 Cr.P.C before the court of JM-I, Orakzai nominated the accused/petitioners alongwith two others for the murder of deceased, Shahid Khan. It was mentioned in the said statements that due to fear of one, Afzal Khan of Taliban group, the report was lodged against

District & Sessions Judge
Orakzai at Hamm
03/05/21
[Signature]

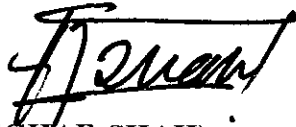
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the unknown accused. Except these 164 Cr.P.C statements wherein the accused/petitioners are charged for the occurrence, no other incriminating material is available on the record in shape of confession, recovery, past involvement/conviction, motive, enmity or ill-will to prima facie connect the accused/petitioners with the commission of offence charged for. The occurrence is unwitnessed, the delay of 22 days is not sufficiently explained at the moment and thus further enquiry would be attracted to the case of accused/petitioners. Therefore, the case of accused/petitioners is arguable for the purpose of bail.

(5). Accordingly, for the reasons briefly mentioned above, bail petition in hand stand accepted and accused/petitioners are admitted to bail subject to furnishing bail bonds in the sum of Rs. 300,000/- with two sureties each, each in the like amount to the satisfaction of this court. Prosecution is directed to submit complete challan of the accused/petitioners forthwith.

(6). File be consigned to Session Record Room for after further necessary compilation and completion.

Announced:
03.05.2021


(ASGHAR SHAH)
Sessions Judge, Orakzai
at Baber Mela
03/05/21.