

IN THE COURT OF ASGHAR SHAH SESSIONS
JUDGE, ORAKZAI AT BABER MELA

Bail Application No : 113/4 of 2021
Date of Institution : 23.04.2021
Date of Transfer-In : 03.05.2021
Date of Decision : 04.05.2021


SYED MUHAMMAD RAZA VS THE STATE

ORDER

DPP, Umar Niaz for State and Syed Muzahir Hussain Advocate for complainant present and argued the case while counsel for the accused has already submitted written arguments which have been gone through.

2. Accused/petitioner, Syed Muhammad Raza seeks his release on bail in case FIR No. 1, dated 20.03.2021 registered U/S 302 PPC at Police Station Kurez Boya Lower Orakzai, wherein he is charged alongwith others for the murder of Shah Nawaz and Gula Baz.


3. From the arguments and record available on file, it reveals that initially unknown accused have been charged for the occurrence. It was on 25.03.2021 i.e., after 06 days of the occurrence when complainant, Riaz Ali and


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one, Yaqot Ali vide their statements recorded u/s 164 Cr.P.C nominated the accused/petitioner alongwith others for the occurrence. But, however, even in the said statements nobody is shown as eyewitness nor any source of satisfaction is mentioned regarding the nomination of accused for the occurrence.

4. The role attributed to the accused/petitioner is that he alongwith one, Syed Amir Hussain have made payment of money to the other accused who thereafter caused the murder of deceased. As such, no role of firing is attributed to the accused/petitioner and the co-accused Syed Amir Hussain with the similar role have been granted bail by the Duty Judge/ASJ-II, Orakzai vide order dated 22.04.2021, as such the present accused/petitioner also deserve the concession of bail as rule of consistency. Accused/petitioner, after his arrest, has gone through the process of investigation but neither he confessed his guilt nor anything incriminating recovered from his possession during the said period of investigation. No past


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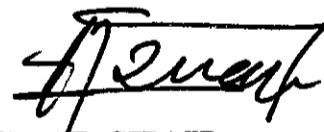


criminal history either of involvement or conviction of the accused/petitioner was brought on record. As such further enquiry would be attracted to the case of accused/petitioner and his case is thus arguable for the purpose of bail.

5. Hence, in the light of above, the bail petition in hand stand accepted and accused/petitioner is admitted to bail in sum of rupees 200,000 with two sureties each in the like amount to the satisfaction of this court. The prosecution is directed to submit complete challan against the accused/petitioner forthwith.

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

Announced:
04.05.2021



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