

IN THE COURT OF SHAUKAT AHMAD KHAN
SESSIONS JUDGE, ORAKZAI AT BABER MELA


Bail Application No : 125/4 of 2021
Date of Institution : 01.06.2021
Date of Decision : 08.06.2021

ALAM KHAN ETC. VS THE STATE

ORDER

DPP, Umar Niaz for the State, Muzahir Hussain Advocate for complainant and Syed Hamza Gilani Advocate for accused/petitioners present. Arguments heard and record gone through.


(2). The accused/petitioners, after being refused to be released on bail vide order dated 31.05.2021 of learned Judicial Magistrate, Orakzai, seek their post arrest in case FIR no. 54, dated 27.04.2021, u/s 334/336/337-A(i)/337-A(ii)/147/149 PPC of PS Kalaya Lower Orakzai wherein, as per contents of FIR, complainant Mehboob Ali Khan on 10.04.2021, made a report to the police to the effect that on that day during jirga between the complainant and one, Alam Hussain, the accused/petitioner alongwith co-accused attacked the complainant and his brother, Diyar Ali and


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caused injuries to them on various parts of their bodies.

(3). Arguments heard and record perused. Perusal of the record shows that though the accused/petitioners are directly nominated in the FIR and the offences for which the accused/petitioners are charged, fall within the restrictive clause of section 497 Cr.P.C, however it is evident from the record that the accused/petitioners alongwith 03 other co-accused are charged for the offence with general role of beating and causing injuries to the complainant and his brother without assigning any specific role to any of the accused. Moreover, regarding the same occurrence the accused Ikram Hussain has also made a report to the police vide daily diary of 10.04.2021 wherein the present complainant, Mehboob Ali and his injured brother, Diyar Ali are charged as accused for beating the accused party, therefore, being cross cases, it is yet to be determined during the trial that which of the party is aggressor and whom is aggressed upon.


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(4). Hence, in view of what is discussed above, it is held that the case against the accused/petitioners requires further probe within the meaning of 497 Cr.P.C, therefore, the accused/petitioners are

admitted to the concession of bail provided each of the accused/petitioners submit a bail bond in the sum of Rs. 200,000/- with two sureties, each in the like amount to the satisfaction of this court.

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

Announced
08.06.2021


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