

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

Bail Application No : 126/4 of 2021  
Date of Institution : 01.06.2021  
Date of Decision : 08.06.2021

QADAM HUSSAIN VS THE STATE

ORDER

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

- (2). The accused/petitioner, after being refused to be released on bail vide order dated 31.05.2021 of learned Judicial Magistrate, Orakzai, seeks his 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/petitioner is directly nominated in the FIR and the offences for which the accused/petitioner is charged, fall within the restrictive clause of section 497 Cr.P.C, however it is evident from the record that the accused/petitioner alongwith 07 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/petitioner requires further probe within the meaning of 497 Cr.P.C, therefore, the accused/petitioner is admitted to the concession of bail provided he

submits a bail bond in the sum of Rs. 200,000/-  
with two sureties, each in the like amount to the  
satisfaction of this court.

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

**Announced**  
08.06.2021

  
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