

Court of Additional Sessions Judge, Orakzai at Baber Mela

BA. 95/4 of 2021
Bismillah vs State

| Serial No of order or proceedings | Date of Order Proceedings | Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary |
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| 1 | 2 | 3 |
| Order | 12/08/2021 | <p>Mr. Sana Ullah Advocate, learned counsel for the accused/petitioner and Mr. Amir Shah APP for the State are in attendance.</p> <p>2. This order is intended to dispose of the captioned Bail Application submitted by Accused/petitioner Bismillah son of Khial Wazeer resident of Qaum Shekhan, Tappa Mir Zara District Orakzai, in case FIR No.6 dated 29/04/2021 u/s 302 Pakistan Penal Code, 1898 of Police Station Central Mishti Mela, Orakzai; wherein, the accused/petitioner is charged by Suleman for the murder of his first cousin Shahryar (deceased).</p> <p>3. Instant bail application was initially been received by the Office of the Superintendent and retained by the Court of Hon'ble, the District & Sessions Judge, Orakzai. The joint statement of complainant and two brothers of deceased namely Mujahid and Sherin Khan has been recorded. Nadia Gul Advocate was appointed as Local Commissioner with the direction to visit the residencies of the female legal heirs of the deceased and record their statements regarding the compromise. The learned Judge proceeded on summer spill and the pending petition was marked to this Court for disposal.</p> <p>4. The Local Commissioner appointed earlier was replaced the Sania Tariq Advocate as Nadia Gul Advocate</p> |



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has shifted to Islamabad and was unable to proceed with the conduct of the commission. On previous date, Local Commissioner Advocate Sania Tariq submitted her report and stated that "she visited the House of the legal heirs of the deceased Shahryar situated at Mirzada Nawy Kalay, Tehsil Lower District Orakzai. She personally examined the lady legal heirs of the deceased namely Bibi alias Wasmina Jan, Mst Guli Marjana, Mst Arab Jan and Mst Lal Chameena. The one Suleman s/o Khaista Akbar r/o caste Shekhan sub caste Umar Zai Boos Kanray, District Orakzai and Masood ur Rehman s/o Abdullah Khan caste Mala Khel sub caste Khitab Khel Ghiljo Orakzai identified the legal heirs of the deceased before her. She recorded their statement. They have pardoned the accused in the name of almighty Allah and waived their right of Diyyat and Qissas. The lady legal heirs have also got no objection if this Court release the accused on bail or acquitted from charges leveled against accused. In this respect she submitted her report as Ex. PC.

5. Learned counsel for petitioner was asked today that submit compromise on prescribed proforma to which the defence counsel requested that some of the witnesses and complainant are not available before the Court today and he will positively submit the prescribed proforma before the Court complete in all manner at ^{trial} ~~trial~~ stage. The Court is satisfied that the compromise has been affected with free


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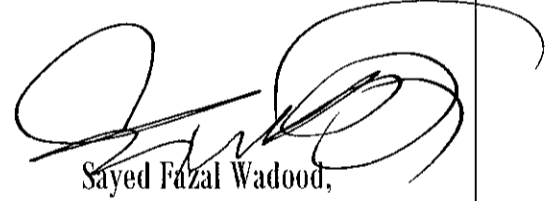
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consent and is in the interest of the parties. The offence is compoundable as well.

6. 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. 120, 000/- with two sureties each in the like amount to the satisfaction of this Court. The sureties must be local and men of means. The prosecution is also directed to submit complete challan at earliest.

7. File of this Court be consigned to District Record Room after its necessary completion and compilation within span allowed for. Record of the Police be sent back with copy of this order.



Sayed Fazal Wadood,
AD&SJ, Orakzai at Baber Mela