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IN THE COURT OF FARMAN ULLAH,
SENIOR CIVIL JUDGE/JM, ORAKZAI AT BABER MELA

ORDER
13/09/2021

APP for the state present.

Accused/petitioner's present through relative.

Complainant present in person.

Record received.

Relative of accused/petitioners submitted written arguments. Complainant submitted wakalat Nama and requested for adjournment. Request does not seem genuine as already adjournment was granted to the complainant with strict direction to make sure the presence of his counsel on next date positively. Hence, request is turned down.

APP for the state heard while petitioners/accused have submitted written arguments. Record gone through.

The petitioners named 1. Muhammad Ayaz s/o Gul Khan, 2. Raheem Ullah s/o Gulab Khan, 3. Dosti Khan s/o Shareef Khan, 4. Saif Ullah s/o Dosti Khan have applied for their post arrest bail in connection with case FIR No. 07 dated 06/07/2021 u/s 506, 504, 447/34 PPC registered in PS Dabori District Orakzai.

Perusal of the record reveals that accused/petitioners are charged for forcibly entering into the property of complainant and ploughing the same with further allegations that accused/petitioners also extended threats to the complainant by aiming their pistols at the complainant and abusing him. However, record shows that no weapon has been recovered from the possession of either accused. Moreover, it is also evident from the record that complainant and accused/petitioners are relatives and civil case is also pending between the parties regarding the disputed property. So, all these facts and circumstances make the case of accused/petitioners one of further inquiry. Furthermore, the accused/petitioners have neither confessed their guilt nor they are



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FARMANULLAH
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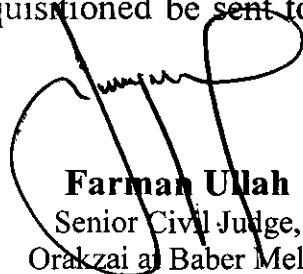
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previous convicted and similarly, punishment provided for such offence also does not attract prohibitory clause of section 497 Cr.PC, hence the grant of bail in such cases is a rule while its refusal as exception however no exceptional circumstances exists in instant case.

For above, accused/petitioners are entitled to the concession of bail at this stage, hence, application in hand is accepted and accused/petitioners are released on bail subject to furnishing of bail bonds to the tune of Rs: 80,000/- with two local sureties each in the like amount to the satisfaction of the court.

Copy of this order be placed on police record and file be consigned to record room. Record requisitioned be sent to quarter concerned.

ANNOUNCED
13.09.2021


Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Me.