

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

Bail Application No : 173/4 of 2021  
Date of Institution : 23.09.2021  
Date of Decision : 28.09.2021

ABDUL MANAN VS THE STATE

ORDER

DPP, Umar Niaz for the State, and Sana Ullah Khan Advocate for accused/petitioner present. Injured constable Asal Khan not present despite being served through a notice. Arguments heard and record gone through.

2. The accused/petitioner, after being refused to be released on bail vide order dated 15.09.2021 of learned Judicial Magistrate, Orakzai, seeks his post arrest bail in case FIR no. 81, dated 23.06.2021, u/s 324/353/186/189/337-F(v)/34 PPC of PS Mishti Mela wherein, as per contents of FIR, the local police while present on the spot signaled a motorcycle riding by two unknown persons, to stop; however, the person occupying the rear seat of the motorcycle started firing at the police party with pistol; as result of which police constable Asal Khan got injury while other police officials escaped unhurt. Hence, the present FIR against unknown accused. During the course of

Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber Mela


28/09/21

investigation, the present accused/petitioner alongwith co-accused were charged in the instant case on the basis of information.

3. It is evident from the record that though the offence for which the accused/petitioner is charged falls within the prohibitory clause of 497 Cr.P.C but the accused/petitioner is not directly nominated in the FIR rather he has been charged on the basis of information by the local police but the source of information has not been disclosed. Moreover, there is nothing available on file against the present accused/petitioner except the bald allegation of police. Even the statement of injured constable has been recorded regarding involvement of the present accused/petitioner in the commission of offence.

4. Hence, in view of what is discussed above, 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. Sureties must be local, reliable and men of means. Consign.

**Pronounced**  
28.09.2021

  
**SHAUKAT AHMAD KHAN**  
Sessions Judge, Orakzai  
at Baber Mela