

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

Bail Application No : 193/4 of 2021  
Date of Institution : 14.12.2021  
Date of Decision : 18.12.2021

BAKHTIAR AKBAR VS THE STATE

ORDER

DPP, Umar Niaz for the State and Zahoor Ur Rehman Advocate 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 06.12.2021 of learned Senior Civil Judge, Orakzai, seeks his post arrest bail in case FIR no. 31, dated 24.11.2021, u/s 324/353/189/34 PPC and 15AA of PS Kurez Boya wherein, as per contents of FIR, the local police on receipt of information regarding presence of the present accused/petitioner and other co-accused named in the FIR required to the police in various criminal cases, at their residence, raided the spot. The accused on seeing the police party started making firing at the police party which was retaliated by the local police in self-defense. After the closure of firing, three accused tried to escape from the house, out of whom the

Shaukat Ahmad Khan  
District & Sessions Judge  
Orakzai at Baber Mela  
18/12/21

present accused/petitioner was overpowered whose person was searched which led the local police to the recovery of 30-bore pistol without number with fixed charger, containing 05 live rounds and empty charger. During search of the house, co-accused Afzal Khan who had received injury on his leg was also arrested from whose possession a 30-bore pistol number 33008121 with fixed charger, containing 05 live rounds and an empty charger was recovered. Hence, the present FIR.

3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR, he has been shown arrested on the spot and the offence for which the accused/petitioner is charged

Shaukat Ahmad Khan  
 District & Sessions Judge,  
 Prakzai at Baber Meta  
 18/12/21


falls within the prohibitory clause of 497 Cr.P.C but the local police, despite the facts that they have prior information about the presence of the accused on the spot, the occurrence has allegedly taken place during broad daylight and the spot of occurrence is situated in a populated area, has not made any effort to associate any witness from the public with the occurrence. Moreover, the accused/petitioner with three other co-accused, is charged for ineffective firing upon the police party and the factum of the intention of the accused to attempt at the lives of police party is yet to be

determined during trial. Furthermore, the police party is shown accompanied by DSP, SDPO and DPO but their presence is neither shown in the site plan nor their statements have been recorded by the IO.

All the aforementioned circumstances throw the case of the accused/petitioner within the ambit of further inquiry of section 497 CrPC.

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 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**  
18.12.2021

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