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

Bail Application No : 30/4 of 2022
Date of Institution : 12.04.2022
Date of Decision : 19.04.2022

WALI KHAN VS THE STATE

ORDER

DPP, Umar Niaz for the State, Abid Ali & Sana Ullah Khan Advocates for complainant and Khusheed Alam Advocate for accused/petitioner present. Arguments heard and record gone through.

2. The accused/petitioner, Wali Khan s/o Muhammad Hussain, after being refused to be released on bail vide order dated 09.04.2022 of learned Judicial Magistrate-I, Orakzai, seeks his post arrest bail in case FIR no. 34, dated 02.04.2022, u/s 324 PPC of PS Mishti Mela wherein, as per contents of FIR, on 02.04.2022 the local police on receipt of information regarding the occurrence reached THQ hospital Kalaya where the injured/complainant, Qadir Gul at 1330 hours made a report to the police to the fact that on that day at 1300 hours he was present in his field ploughing the land when in the meanwhile the present accused/petitioner duly armed came out of his house and made firing at them; as a result of which he (complainant) got hit on his left thigh. Hence, the present FIR.

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

19/04/22

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3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR and the offence for which the accused/petitioner is charged falls within the prohibitory clause of 497 Cr.P.C; however, the injured/complainant has received injury on non-vital part of his body. Moreover, no blood or any empty has been recovered from the spot of occurrence. Similarly, no incriminating material has either been recovered from possession of the accused/petitioner or on his pointation. The aforementioned facts throw the case against the accused/petitioner within the ambit of further inquiry.
4. Hence, in view of what is discussed above, bail petition in hand stands accepted and 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. The sureties must be local, reliable and men of means.
5. Police record be returned and file of this court be consigned to record room.

Pronounced
19.04.2022



SHAUKAT AHMAD KHAN
Sessions Judge, Orakzai
at Baber Mela