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

Bail Application No : 38/4 of 2022
Date of Institution : 12.05.2022
Date of Decision : 18.05.2022

KHIALDAR KHAN ETC. VS THE STATE

ORDER

DPP, Umar Niaz for the State, Hidayat Shah Advocate for complainant and Aurangzeb Khan Advocate for accused/petitioner present. Arguments heard and record gone through.

2. The accused/petitioner, **Khial Dar Khan** s/o Gul Haider and **Rifat Ullah** s/o Gul Haider after being refused to be released on bail vide order dated 11.05.2022 of learned Judicial Magistrate-I, Orakzai, seeks his post arrest bail in case FIR no. 13, dated 06.05.2022, u/s 324/148/149 PPC of PS Dabori wherein, as per contents of FIR, the local police acting on information regarding the occurrence reached civil hospital Dabori where complainant Fazal Rehman to the local police to the fact that he alongwith his brother Muhammad Imran while as their way to Dabori Bazar via motorcycle when reached to the spot of occurrence, the accused/petitioners alongwith three other accused attacked them with sticks and hurled stones while one of the accused namely Muhammad Hussain made firing at them; as a result of which he (complainant)

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got hit on his right leg while Muhammad Imran luckily got unhurt. Hence, the present FIR.

3. It is evident from the record that though the offence for which the accused/petitioners are directly charged in the FIR and offence falls within the prohibitory clause of 497 Cr.P.C but the present accused/petitioner are charged for attack on the complainant with sticks with attribution of no injury caused to the complainant party as a result of attack of present accused/petitioner. The question of sharing common object of the present accused/ petitioner with the accused Muhammad Hussain to whom the role of firing and causing injury to complainant is attributed, would be determined after recording of pro and contra evidence.

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. 100,000/- 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
18.05.2022


SHAUKAT AHMAD KHAN
Sessions Judge, Orakzai
at Baber Mela