


**IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT  
ORAKZAI, AT BABAR MELA**

BA No. 58/4 of 2022  
Muhammad Shaheen etc. Vs State

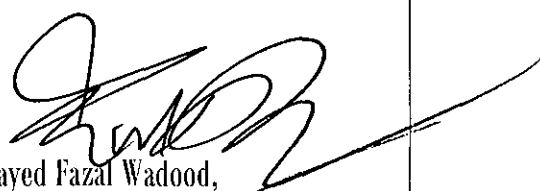
Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	28.05.2022	<p>Mr. Zahoor Ur Rehman Advocate represented accused/petitioners; whereas, Mr. Javid Akhtar Wazir Sr. PP for State are in attendance. Record received.</p> <p>2. This is the disposal of Post arrest bail application presented by accused/petitioners namely Muhammad Shaheen son of Khana Gul, Syed Muhammad Abbas son of Syed Muhammad Kaleem, both residents of Chappar Mishti, District Orakzai and Fatah Muhammad son of Khoti Khan, resident of Shangla.</p> <p>3. Brief facts of the case are such that mine accident has been occurred in extraction of coal mine in Mine No. 4 which is owned by Syed Muhammad Abbas son of Syed Muhammad Khalil which is located in the leasing area of Mr. Shaheen. This untoward incident has taken precious lives of three mine workers. The last known reason of such incident reported by the Inspector of Mines Orakzai is violation of prescribed safety measures. The complainant assigned the reason of incident as leakage of water supply pipes. The happening was recorded vide Naqalmd No. 10 dated 19-04-2022. Consequently, FIR bearing No. 11 dated 20.04.2022 was registered in Police Station of Kurez Boya of Orakzai by attracting Section 322 of the Pakistan Penal Code, 1860. The petitioners moved the Court with application for pre-arrest bail which is under consideration.</p> <p>4. Learned counsel for accused/petitioners and learned Senior Public Prosecutor for State were heard at length and file gone through.</p> <p>5. On tentative assessment of record, it reveals that reportedly, violation of prescribed standard of safety measures has been done and leakage of water aggravated the risk that had taken the precious lives of 03 mines</p>

  
**SAYED FAZAL WADOODU**  
 Addl. District & Sessions Judge  
 Orakzai at Hangu

workers; but, this is factual question and only be determined during trial. The charge of Qatl-bis-Sabab has been provided punishment of liability to diyat and though non bailable; yet, is not punishable with any period of imprisonment. Similarly, it is the offence which does not attract prohibitory clause of Section 497 of Code of Criminal Procedure, 1898. Whether accused persons are responsible for mines accident or that mine collapsed due to there an action and whether they have committed any unlawful act which caused such collapse are questions requiring evidence and make the case is that of further inquiry in terms of Section 497 (2) of Code of Criminal Procedure, 1898

6. For what has been discussed above, instant bail petition stands allowed subject to furnishing bail bonds to the tune of Rupees One Lac and Fifty Thousand (150,000/-); with two sureties; each in the like amount; to the satisfaction of this Court. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on record of Police to be returned accordingly.

7. Announced in open Court.

  
Sayed Fazal Wadood,  
AD&SJ, Orakzai at Baber Mela