

(11)

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


Bail Application No : 41/4 of 2022  
Date of Institution : 25.05.2022  
Date of Decision : 31.05.2022

ASIF KHAN VS THE STATE

ORDER

DPP, Umar Niaz for the State, Abid Ali Advocate for complainant and Noor Karim Advocate for accused/petitioner present. Complainant Faiz Muhammad present in person. Arguments heard and record gone through.

2. The accused/petitioner, after being refused to be released on bail vide order dated 24.05.2022 of learned Judicial Magistrate, Orakzai, seeks his post arrest bail in case FIR no. 14, dated 19.05.2022, u/s 324/427/34 PPC of PS Dabori, wherein, as per contents of FIR, complainant Faiz Muhammad on 19.05.2022 made a report to the police to the fact that on that day he was ploughing his land through a tractor with his cousin Sial Muhammad present over there, where at about 1830 hours the accused/petitioner Asif Khan alongwith co-accused Asghar Khan duly armed started firing at them, but they luckily escaped unhurt while the tractor got damaged. Hence, the present FIR.

  
Shaukat Ahmad Khan  
District & Sessions Judge  
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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


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falls within the prohibitory clause of 497 Cr.P.C; however, the accused/petitioner is charged for ineffective firing and the intention of accused/petitioner either to attempt at the life of complainant or criminally intimidated him, attracting section 324 or section 506 PPC, would be determined during the trial. Moreover, no empty or any other incriminating material has been recovered from the spot. Furthermore, the accused/petitioner has remained in police custody but neither the weapon of offence or any incriminating material has been recovered from his possession nor any confession or admission has been made by him.

4. Hence, in view of what is discussed above, the case against the accused/petitioner falls within the ambit of further inquiry of 497 Cr.P.C; therefore, the accused/petitioner is admitted to the concession of bail provided he submits a bail bond in 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**  
31.05.2022

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