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

BA No. 60/4 of 2022
Muhammad Sher 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	14.06.2022	<p>Mr. Aurangzeb Khan Advocate represented accused/petitioners; whereas, Mr. Zubair APP for State are in attendance.</p> <p>2. This is the disposal of Post arrest bail application presented by accused/petitioners namely Muhammad Sher son of Gul Anwar and Izzat Khan son of Yar Akbar, both r/o Qaum Ali Khel, District Orakzai.</p> <p>3. Mr. Imtiaz Khan I.O, Police Station Daboori, Orakzai has forwarded Murasila through Constable Abdur Razaq stating therein, that Fazal Rehman son of Arbab Khan(complainant/injured) reported the incident that on 06.05.2022, he along with his brother Muhammad Imran while on their way to Daboori Bazar by Motorcycle bearing No. F-8472 when reached to the spot of occurrence, the accused/petitioners along with other co-accused attacked them with stones and sticks. One of the accused namely Muhammad Hussain opened fire through firearm as a result of which, he (complainant) sustained injury to his right leg while Muhammad Imran luckily escaped. Criminal Law was brought into motion and thus FIR bearing No. 13 dated 06.05.2022 was registered under sections 324/148/149 of the Pakistan Panel Code, 1860 in Police Station Daboori. Accused have been remanded to Judicial Lockup which necessitated presentation of instant post arrest bail which is under consideration.</p> <p>4. Learned counsel for accused/petitioners sent written arguments while learned Senior Public Prosecutor for State was heard at length and file gone through.</p> <p>5. This is tentative assessment of record available on file as deep appreciation of evidence is neither required nor warranted at this stage. Though incident has promptly been</p>


JAVED FAZAL WADOOD
& Sessions Judge
Orakzai at Hangu

reported by the injured complainant and nominated the accused by specifically naming them as accused; but, the present accused have been charged for attack on the complainant with sticks; wherefrom, no injury whatsoever has been caused from such attack. The question of sharing common object of the petitioner with the principle accused Muhammad Hussain charge for firing is factual in nature that cannot be determined at this stage. This fact alone is sufficient to drag the matter into ambit of further inquiry. Similarly, the co-accused with similar role have already been granted bail by the Hon'ble District & Sessions Judge, Orakzai vide Order dated 17.05.2022 and thus, rule of consistency is very much attracted to the case of petitioners.

6. For what has been discussed above, instant bail petition stands allowed subject to furnishing bail bonds to the tune of Rupees One Lac (100,000/-); with two sureties; each in the like amount; to the satisfaction of this Court. File of this Court be consigned to District Record Room, Orakzai 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/JJC, Orakzai at Baber Mela