

(10) (11)

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

BCA No. : 46/4 of 2022  
Date of Institution : 06.06.2022  
Date of Decision : 14.07.2022

STATE VS KABIR KHAN ETC.

ORDER

DPP, Umar Niaz for the State present.

Respondents/accused no. 1 to 6 present in person.

2. The respondents/accused; Kabir Khan s/o Saliheen, Sanobar s/o Malak Khan, Waqif Khan s/o Mir Rehman, Muhammad Yaqoob Ismail Khan, Subhan Ullah s/o Maroof Khan and Muhammad Faheem s/o Muhammad Hakeem all residents of village Liri District Orakzai, were charged in case FIR no. 49, dated 18.05.2022, u/s 506/341/347/186/189/147/149 PPC of PS Kalaya wherein, as per contents of FIR, the complainant, Shal Muhammad SHO made a report to the fact that on 18.05.2022 at 1100 hours he along with other police officials accompanied by a civil judge were present on the spot for making survey of the land notified for construction of judicial complex, prison and police line, where the present respondents/accused along with other co-accused

Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber Mela  
14/07/22

came on the spot and obstructed the officials in discharge of their official duties.

The accused/respondents when produced before the court of learned Judicial Magistrate, Kalaya, were released on bail vide his order dated 03.06.2022, treating all the offences as bailable. Being aggrieved, the learned District Public Prosecutor submitted the instant Bail Cancellation Application on the grounds, that the respondents/accused are accused of non-bailable offences of obstructing the government officials in discharge of their official duties and threatening the writ of government. During pendency of the instant application, the learned DPP for State submitted that the respondents/accused have repeated the offence and have violated the concession of bail. In that respect record of the case FIR no. 109 dated 11.09.2021 u/s 341/347/186/147/149 PPC of Police Station Kalaya and record of daily diary no. 8 of 29.06.2022 of Police Station Kalaya were requisitioned at the request of learned DPP for State.

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

14/07/22

3. I heard arguments and perused the record.
4. It is evident from the record that though the respondents/accused are charged for the offences

18

u/s 506/341/347/186/189/147/149 PPC out of which section 506 PPC is notailable, but as per contents of FIR no such allegation of intimidation is levelled against the respondents/accused. So far repetition of the offences and violation of the concession of bail by the respondents/accused is concerned, the prosecution may agitate the same before the court which has granted bail to the respondents/accused by filing Bail Cancellation Application before the said court.

5. Hence, in view of what is discussed above, the instant Bail Cancellation Application is turned down. Copy of this order be sent to learned Judicial Magistrate, Kalaya. The requisitioned record be returned forthwith. Consign.



**Pronounced**  
14.07.2022

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