

IN THE COURT OF SYED OBAIDULLAH SHAH,  
SESSIONS JUDGE, ORAKZAI

Bail Application No. : 85/4 of 2023  
Date of Institution : 13.12.2023  
Date of Decision : 20.12.2023

MUHAMMAD REHMAN VS THE STATE


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ORDER

DPP Umar Niaz for the State and Shoaib Nasrat Khel Advocate for accused/petitioner present. Arguments heard and record gone through.

2. The accused/petitioner, **Muhammad Rehman** s/o Nazeem Khan seeks his post arrest bail in case FIR No. 46, dated 03.11.2023, u/s 302/324/311 PPC of Police Station Mishti Mela, wherein as per contents of FIR, the police on 03.11.2023 at about 11:00 hours found injured Abdul Qadir and the dead body of Mst. Ashra Bibi w/o Mukhtiar Ullah in emergency room of DHQ Hospital Mishti Mela. The police came to know that Muhammad Rehman s/o Nazeem Khan, the present accused/petitioner, had inflicted injuries upon Abdul Qadir by making firing at him on the pretext of having illicit relations with Mst. Ashra Bibi whereas the accused/petitioner had taken Mst. Ashra Bibi to his house and at about 11:40 hours killed her with firearm in the courtyard. Later on, Abdul Qadir also succumbed to his injuries and died. Hence, the present case.

Learned counsel for the accused/petitioner argued that the accused/petitioner has falsely been implicated in the instant case to scot-free the actual

  
Syed Obaidullah Shah  
District & Sessions Judge  
Orakzai at Baber Meia

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BA NO. 85/4 OF 2023  
STATE VS MUHAMMAD REHMAN  
CASE FIR NO. 46, DATED, 03.11.2023, U/S 302/324/311 PPC,  
POLICE STATION MISHTI MELA

culprit, that there is unexplained delay in lodging of FIR. On the contrary, the DPP put forward his arguments that the accused/petitioner has directly been charged in the FIR, recovery has been made on pointation of the accused/petitioner and the offence for which the accused/petitioner is charged, is heinous in nature.

4. Upon reviewing the record, it's apparent that though the accused/petitioner is directly nominated in the FIR for the offence falling within the prohibitory clause of 497 Cr.P.C, but the delay in making the report has been not explained as the occurrence has taken place at 11:00 hours while the report has been made at 12:40 hours. Moreover, the occurrence is unseen and unwitnessed. Furthermore, the authenticity of the recovery made on pointation of the accused/petitioner and the fact that whether the alleged recovered weapon, is a weapon of offence or otherwise?, are yet to be determined during trial.

5. In these circumstances, the bail petition in hand stands accepted and the accused/petitioner is admitted to the concession of bail provided he submits bail bonds 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.

6. Order announced. File of this court be consigned to record room after its necessary completion and compilation. Copy of this order be placed on judicial/police file.

Dated: 20.12.2023



*Obaidullah Shah*  
20/12/2023  
**SYED OBAIDULLAH SHAH**  
Sessions Judge, Orakzai  
at Baber Mela