

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

Bail Application No : 20/4 of 2022  
Date of Institution : 08.03.2022  
Date of Decision : 10.03.2022

WASIM ALI VS THE STATE

ORDER

Sr. PP Javid Akhtar for the State and Malak Imad Azam Advocate for accused/petitioner present. Complainant present in person. He did not want to engage a private counsel. Arguments heard and record gone through.

2. The accused/petitioner Wasim Ali s/o Rehmat Ali seeks his post arrest bail in case FIR no. 01, dated 01.01.2022, u/s 302/34 PPC of PS Kalaya, wherein as per contents of FIR, the complainant Moeen Ali on 01.01.2022 at 1730 hours at emergency room Mishti Mela hospital made a report to the police to the fact that on that day at about 1640 hours he was present at his house when he heard the report of fire shots, at which he came out of his house and saw the accused/petitioner Wasim Ali alongwith his co-accused Ghaffar Ali duly armed leaving the spot having murdered his brother Naseeb Ali. Hence, the present case. Hence, the present FIR.

  
Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber Mela  
10/03/22

(4) (6)

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 falls within the prohibitory clause of 497 Cr.P.C; however, as per Murasila the complainant has not seen the accused while making firing at the deceased rather he has seen the accused while fleeing from the scene of occurrence. Moreover, as per PM report the deceased besides firearm injuries has also received stabbed wounds with sharp object on vital part of his body causing his death. Both the aforementioned facts throw the case against the accused/petitioner within the ambit of further inquiry as to the mode and manner of the occurrence and the presence of complainant, being eyewitness of the occurrence, on the spot. Furthermore, the co-accused Ghaffar Ali with a similar role has already been released on bail vide order dated 17.02.2022 of this court; therefore, the present accused/petitioner is also entitled to the concession of bail on the basis of rule of consistency.


Shaukat Aftab Khan  
District & Sessions Judge,  
Orakzai at Baber Mela  
18/03/22

4. Hence, in view of what is discussed above, the accused/petitioner is admitted to the concession of bail provided he submits bail bonds in sum of Rs. 200,000/- with two sureties, each in the like

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amount to the satisfaction of Magistrate concern/MOD. Sureties must be local, reliable and men of means. Copy of this order placed on judicial/police file. Consign.

**Pronounced**  
10.03.2022

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