

IN THE COURT OF SYED OBAIDULLAH SHAH,  
SESSIONS JUDGE, ORAKZAI AT BABER MELA

Bail Application No : 8/4 of 2024  
Date of Institution : 22.01.2024  
Date of Decision : 31.01.2024

SAIF ULLAH VS THE STATE

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ORDER

DPP, Umar Niaz for the State and Abid Ali Advocate for accused/petitioner present. Arguments heard and record gone through.

(2). The accused/petitioner, **Saif Ullah** seeks his post-arrest bail in case FIR No. 01, Dated 18.01.2024, u/s 452/436/427/34 PPC of Police Station Dabori wherein, as per contents of FIR, the complainant, Amjid Khan on 18.01.2024 made a report to the police to the fact that on 17.01.2024 he along with other family members were inside their residence when he heard a noise, upon which he came out of his room and saw the present accused/petitioner and co-accused Aman Ullah and Dilawar Khan exiting the house through the main gate. He discovered that four rooms of his house and the woods were on fire, and the flames had also damaged various items within the rooms, including golden ornaments and cash amounting to Rs. 460,000/-. Hence, the present FIR.

(3). Learned counsel for defense argued that the accused/petitioner has falsely been implicated in the instant case to scot-free the actual culprit. Learned DPP for the state put forward his arguments that the accused/petitioner was directly nominated in the FIR and the offense carries capital punishment.

  
Syed Obaidullah Shah  
District & Sessions Judge  
Orakzai at Baber Mela

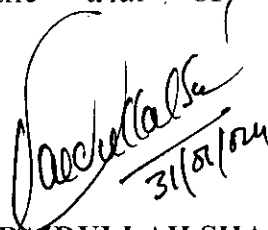
(4). Perusal of the case file reveals that though the accused/petitioner is directly nominated in the FIR and section 436 PPC attracts the restrictive clause of section 497 Cr.P.C; however, neither the complainant nor any other inmate of the house has seen the accused/petitioner while igniting the wood and rooms. Moreover, there is unexplained delay of 01-day in lodging the FIR. Hence, the case of prosecution prima facie falls within the ambit of further inquiry.

(5). In these circumstances, the accused/petitioner is admitted to the concession of bail provided he submits a bail bond in the sum of Rs. 100,000/- with two sureties, each in the like amount to the satisfaction of this court. The sureties must be local, reliable and men of means.

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

(7). This order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 31.01.2024

  
31/01/24

(SYED OBAIDULLAH SHAH)

Sessions Judge, Orakzai  
at Baber Mela