

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

Bail Application No : 9/4 of 2024
Date of Institution : 02.02.2024
Date of Decision : 07.02.2024

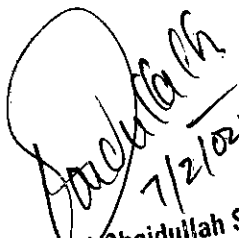
AMAN ULLAH ETC. VS THE STATE

ORDER

DPP, Umar Niaz for the State and Abid Ali Advocate for accused/petitioners present. Complainant, despite being served through notice, not present. Arguments heard and record gone through.

(2). The accused/petitioners, **Aman Ullah** and **Dilawar Khan** both sons of Fazal seek their 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/petitioners and co-accused Saif Ullah 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/petitioners have falsely been implicated in the instant case to scot-free the actual culprit. Learned DPP for the state put forward his


7/2/2024
Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

arguments that the accused/petitioners were directly nominated in the FIR and the offense carries capital punishment.

(4). Perusal of the case file reveals that though the accused/petitioners are 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/petitioners while igniting the wood and rooms. Moreover, there is unexplained delay of 01-day in lodging the FIR. Above all, the co-accused with similar role has already been released by this court vide order dated 31.01.2023; therefore, the present accused/petitioners are also entitled to the concession of bail on the basis of rule of consistency.

(5). In these circumstances, the accused/petitioners are admitted to the concession of bail provided each of the accused/petitioner submits a bail bond in the sum of Rs. 100,000/- with two sureties each, 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 consigned 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: 07.02.2024



(SYED OBAIDULLAH SHAH)
Sessions Judge, Orakzai
at Baber Mela