

(7)

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

Bail Application No : 71/4 of 2022
Date of Institution : 01.08.2022
Date of Decision : 03.08.2022

DAULAT SHAH ETC. VS THE STATE

ORDER

DPP Umar Niaz for the State and Jamal Hussain Advocate for accused/petitioners present. Complainant present in person. He does not want to engage a private counsel. Arguments heard and record gone through.

2. The accused/petitioners, Daulat Shah s/o Zarbat Shah and Ajmir Ullah s/o Daulat Shah seek their post arrest bail in case FIR no. 24, dated 02.07.2022, u/s 302/109/148/149/404 PPC and 15AA of Police Station Mishti Mela, wherein as per contents of FIR, the local police acting on information regarding the occurrence reached the spot where they found a dead body which was shifted to DHQ hospital where the complainant Taj Wali Khan on 02.07.2022 at 2010 hours made a report to the police to the fact that his son aged about 13/14 years, a student of madrassah was on leave a day before the day of occurrence who on 01.07.2022 at about 1000 hours had left the house and when he did not return till evening, he (the

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complainant) searched him in the houses of his relatives and that now he found him dead in the hospital. Hence, the present FIR. He charged unknown accused for the commission of offence. During course of investigation on 06.07.2022 the complainant recorded his statement before court u/s 164 CrPC and charged the present accused/petitioners along with other co-accused for commission of offence. Hence, the present bail petition.

3. It is evident from the record that though the offence for which the accused/petitioners are charged falls within the prohibitory clause of 497 Cr.P.C, but the occurrence is unseen and unwitnessed. The accused/petitioners are not directly nominated in the FIR rather after 04 days of the occurrence they have been charged by the complainant in his statement recorded u/s 164 CrPC on the basis of information and satisfaction but no source of information and satisfaction has been disclosed by the complainant. Moreover, the authenticity of the recovery made ^{on} the pointation of accused/petitioner Ajmir Ullah and the fact that whether the alleged recovered weapon, is a weapon of offence or otherwise?, are yet to be determined during trial. Furthermore, the co-

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accused with a similar role has already been released by this court vide order dated 27.07.2022; therefore, the present accused/petitioners are also entitled to the concession of bail on the basis of rule of consistency.

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



Pronounced
03.08.2022

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