

7

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

Bail Application No : 70/4 of 2022  
Date of Institution : 01.08.2022  
Date of Decision : 04.08.2022

MUHAMMAD SHAFIQ ETC. VS THE STATE

ORDER

APP, Muhammad Zubair present. Written arguments of counsel for the accused/petitioners submitted. Complainant Pir Badshah present in person. He stated that he has patched up the matter with the accused/petitioners and that he got no objection if the accused/petitioners are released on bail. Arguments of learned APP for state heard and written arguments on behalf of counsel for accused/petitioners and record gone through.

(2). The accused/petitioners, after being refused to be released on bail vide order dated 16.06.2022 of learned Judicial Magistrate, Kalaya, seek their post arrest in case FIR no. 19, dated 06.06.2022, u/s 457/380/411/34 PPC of PS Mishti Mela wherein, as per contents of FIR, the complainant Pir Badshah on 06.06.2022 has made a report to the police to the fact that on the preceding night he was sleeping in his house and in the morning the female folk informed him that two of his cows were stolen. He charged unknown accused for the commission of offence. On the same day one of the stolen cows was recovered by

Stamp of the court and a handwritten signature.

8

local police from possession of present accused/petitioners. Hence, they were charged in the instant case.

(3). Perusal of the record shows that the accused/petitioners are not directly nominated in the FIR and the offences for which the accused/petitioners are charged, does not fall within the restrictive clause of section 497 Cr.P.C. Moreover, the occurrence is unseen and unwitnessed. Furthermore, the complainant, present before the court, stated that he has patched up the matter with the accused/petitioners out of the court and he has got no objection upon release of the accused/petitioners on bail. So far recovery of stolen cow from possession of accused/petitioners is concerned, the authenticity of same and the question of identification of cow being stolen one, would be determined during trial.

(4). Hence, in view of what is discussed above, 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. 200,000/- with two sureties, each in the like amount to the satisfaction of this court. Consign.



**Pronounced:**  
04.08.2022

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