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

Bail Application No : 73/4 of 2022
Date of Institution : 01.08.2022 (7-1)
Date of Decision : 04.08.2022

SAFI ULLAH ETC. VS THE STATE

ORDER

DPP, Umar Niaz for the State and Noor Karim Advocate for accused/petitioners present. Complainant present through his brother, Abdul Basit. Arguments heard and record gone through.

2. The accused/petitioner, **Safi Ullah** s/o Majid Gul and **Samad Ullah** s/o Hakim Gul seek their post arrest bail in case FIR no. 12, dated 28.04.2022, u/s 324/148/149/337A(i)/337F(i)/452 PPC of Police Station Dabori wherein, as per contents of FIR, Muhammad Ullah s/o Hakim Gul with the injured Hakim Gul, Safi Ullah, Abdul Samad and Samad Ullah at Civil Hospital Dabori made a report to police that on 28.04.2022 at 1015 hours he along with his father were ploughing their land with a tractor when in the meanwhile Abdul Basit, Yousaf Mehmood, Muhammad Yasin, Shahid Ullah and Mst. Umar Gula armed with sticks and axes while Abdul Salam and Said Salam armed with pistols came on the spot and wanted the complainant and his father to stop ploughing

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the land. During hot talks Abdul Salam and Said Salam made firing with their pistols at father of the complainant but he escaped unhurt. Upon the report of fire shots and hue and cry of the quarrel, the other inmates of the house of complainant came on the spot and a quarrel started over there, during which Abdul Salam and Said Salam made firing with their pistols as a result of which Safi Ullah received injuries on his chest while the other person named above received injuries as a result of sticks and axes.

3. On the same day, Abdul Salam along with injured Muhammad Yasin, Abdul Basit and Mst. Umar Gula (charged as accused by Muhammad Ullah) at 1130 hours at RHC Dabori made a report to the police that on 28.04.2022 he along with his brother and father were present at their house when at about 1015 hours Hakim Gul (one of the injured as per report of Muhammad Ullah) stated ploughing their land with a tractor who was asked by his brother Abdul Basit to stop ploughing.

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During hot talks Muhammad Ullah (the complainant in the instant case) made firing with his pistol at which his brother went to his house. In the meanwhile, Abdul Samad, Muhammad Ullah, Safi Ullah, Majid Gul, Sajid Ullah, Samad Ullah

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(the present accused/petitioner), Hakim Gul, Muhammad Tariq, Mst. Niaz Bibi, Mst. Amina armed with sticks and axes attacked at their house as a result of which Muhammad Yasin, Abdul Basit and Mst. Umar Gula received injuries. The aforementioned report of Abdul Salam was incorporated vide DD no. 6 and being cross version made part of the FIR in the instant case. Hence, the present bail petition.

4. It is evident from the record that the co-accused Hakeem gul, Muhammad Tariq, Majeed Gul, Abdul Samad, Muhammad Ullah and Sajid Ullah with a similar role while Abdul Basit, Muhammad Yaseen and Shahid ullah accused in cross version have already been released on bail vide orders dated 07.07.2022 of the learned Additional Sessions Judge-II, Orakzai; therefore, the present accused/petitioners are also entitled to the concession of bail on the basis of rule of consistency. Thus, without touching the other merits of the case, the accused/petitioners are admitted to the concession of bail on the basis of role of consistency provided each of accused/petitioners submits a bail bond in the sum of Rs. 100,000/- with two sureties, each in the like

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amount to the satisfaction of this court. Sureties must be local, reliable and men of means. Consign.



Pronounced
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