


**IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT
ORAKZAI, AT BABAR MELA**

BA No. 76/4 of 2022
Mehmood Khan Vs State etc.

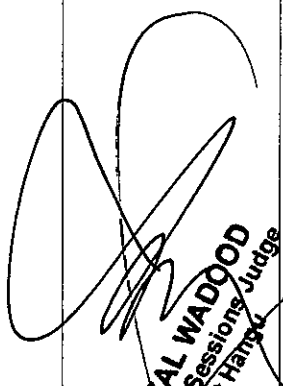
Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	16/08/2022	<p>Mr. Fareed ullah Shah Advocate represented accused/petitioner; whereas, Mr. Zubair APP for State is in attendance.</p> <p>2. This is the disposal of Post arrest bail application presented by accused/petitioner Mehmood Khan s/o Ghazimat Khan r/o Caste Marghio Chan Chappar Mishti Orakzai.</p> <p>3. SHO of Police Station Kurez Boya on getting information rushed to the place of occurrence Marghio Chan Chappar Mishti and found the dead bodies of Noor Sayed and Mst Zarwali Jan on the spot. Muhammad Sajid and Mst Menhaj Bibi were found injured. The dead bodies have been transported to nearby DHQ Hospital Mishti Mela for Post Mortem Examination and injured persons have been shifted to KDA Hospital Kohat for treatment. The incident was reduced into writing of Murasila which was later on converted to FIR bearing No. 14 dated 06-07-2022 registered under sections 302/324 of the Pakistan Panel Code 1860 in Police Station Kurez Boya. No one of the legal heirs or inhabitants of the area were charging anyone for commission of the offense that resulted into registration of case against unknown accused. Later on, Mst Menhaj Bibi had also died at Hospital. During course of investigation, Irfan Ullah the brother of one deceased Noor Sayed has recorded his statement under Section 161 Cr.PC that it was Noor Sayed deceased himself who opened fire over his mother, sister and nephew and finally committed suicide. This story was further confirmed by Muntazira Bibi, who happens to be the sister of deceased Noor Sayed. The son of deceased Noor Sayed namely Muhammad Sajid has also recorded his statement under</p>


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Addl. District & Sessions Judge
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Section 161 Cr.PC wherein he states that Noor Sayed has opened fire over other deceased as well as injured. He added that his deceased father was addict of ICE. On further investigation, Muhammad Khan was investigated who states that the deceased Noor Sayed has committed murder of his mother, sister and had injured his son and others in indiscriminate firing. He fired him back in the exercise of right of self-defense. Resultantly, Police has booked Mehmood for the commission of murder of one of the three deceased namely Noor Sayed who was reportedly murderer of other deceased. Accused on completion of 02 days physical custody has been remanded to Judicial Lockup which necessitated presentation of instant post arrest bail which is under consideration.

4. Learned counsel for accused/petitioner and learned Assistant Public Prosecutor for State were heard at length and file gone through.

5. This is tentative assessment of record available on file as deep appreciation is not required at this stage. Though the incident has promptly been reported but no one was nominated as accused by name. The accusation leveled against the petitioner in a statement was made with considerable delay. The legal heirs of all the deceased appeared before the Court on previous date of hearing and recorded their joint statement on the overleaf of three different affidavits stating therein that Mst Zarwali Jan and Mst Menhaj Bibi have been died due to opening fire by deceased Noor Sayed and it was Noor Sayed who sustained injuries followed by death from self-firing. All of the legal heirs of three deceased confirmed on affidavits before the Court in joint statement that they are neither charging accused Mehmood Khan nor he has committed any offence. The counsel representing accused has also produced birth certificate of the petitioner issued by Headmaster Government High School Chappar Mishti Orakzai which speaks that date of birth of accused is 24-09-2005 and thus ground of minority is also attractable. All


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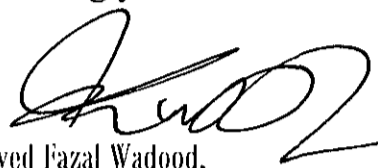
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these facts render the case of the accused as that of further inquiry.

6. For what has been discussed above, instant bail petition stands allowed subject to furnishing bail bonds to the tune of Rupees two lacs (200,000/-); with two sureties; each in the like amount; to the satisfaction of this Court. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on record of Police to be returned accordingly.

7. Announced in open Court.



Sayed Fazal Wadood,
AD&SJ, Orakzai at Baber Mela