


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

BA No. 88/4 of 2022

Rafeel 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	06/09/2022	<p>Mr. Sana Ullah Khan Advocate represented accused/petitioner; whereas, Mr. Zubair APP for State are in attendance.</p> <p>2. This is the disposal of Post arrest bail application presented by accused/petitioner Rafeel s/o Aqal Shah r/o Qaum Utman Khel Tappa Aba Khel Tehsil Lower of District Orakzai.</p> <p>3. SHO of Police Station Kalaya on getting information rushed to the DHQ Hospital Mishti Mela where dead body of the deceased Younas son of Sayed Muhammad Alias Nokar was lying therein along with injured person namely Aqal Shah son of Pahlawan who was senseless. The son of injured who happens to be the paternal uncle of deceased available on the spot, has reported the incident. The story was reduced into writing of Murasila which was later on converted to FIR bearing No. 142 dated 14-12-2021 registered under sections 302/324 of the Pakistan Panel Code 1860 in Police Station Kalaya. 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. During course of investigation, petitioner being out of screen at area was suspected by Police and was issued notice under Section 160 of the Code of Criminal Procedure, 1898 for attendance before the Investigation Officer. He failed to appear and was thus charged by police in <i>Zimni</i>. Accused has been remanded to Judicial Lockup which necessitated presentation of instant post arrest bail which is under consideration.</p> <p>4. Learned counsel for accused/petitioner and learned Assistant Public Prosecutor for State were heard at length</p>


SAYED FAZAL WADOOD
 Addl. District & Sessions Judge
 Orakzai at Hangu

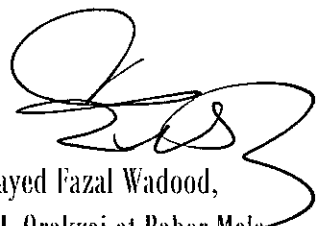
5

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 *Zimni* was made with considerable delay. The complainant and father of the complainant (Injured person) appeared before the Court on previous date of hearing and recorded their joint statement, stating therein that accused Rafeel is innocent and falsely implicated in the instant case. They confirmed before the Court in their joint statement that they are neither charging accused Rafeel nor he has committed any offence. All 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 one lac and twenty thousands (120,000/-); 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