

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

BA No. 97/4 of 2022
Yousaf Khan Vs State

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	15.10.2022	<p>Mr. Khurshid Alam Advocate representing accused/petitioner and Umar Niaz DPP is appearing on behalf of the State. Arguments have already been heard; whereas, this is the disposal of post arrest bail application.</p> <p>2. Accused/petitioner Yousaf Khan son of Mehmood Khan seeks his release on bail in case FIR No. 79, dated 23-08-2022, u/s 324/353/186/189/337F(i) read with Section(s) 148/149 of the Pakistan Penal Code, 1860; registered at Police Station Kalaya of district Orakzai. Accused /petitioner was charged amongst others for having attempted at the life of officers and Police personnel, who happens to be busy in the measurement of the property acquired under Land Acquisition Act, by firing and use of sticks followed by pelting stones, as result whereof Sub Inspector Raees Khan and constable Irfan Ullah sustained injuries at their person. The accused and other co-accused have also blocked the road and suspended traffic at main Headquarter Chowk of Kalaya Bazar.</p> <p>3. It was argued on behalf of the accused/petitioner that the injuries are on non vital part, which excludes intention to kill. It was further contended that it was mob with no specification of role and that as such he is entitled to be released on bail. Conversely, learned DPP opposed the grant of bail and contended that the accused/petitioner has directly been charged for the commission of offence and that the allegations are supported by direct and circumstantial evidence. It was added that the offense has been repeated by the accused/petitioner which is registered vide FIR No. 109 dated 11-09-2021 under Section 341-347-186-147-149 in Police Statin Kalaya Orakzai.</p> <p>4. The accused/petitioner has directly been charged for</p>

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

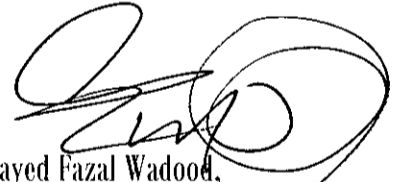
(5)

the commission of offence. The Police personnel sustained injuries. The allegations are supported by direct and circumstantial evidence on its face. One of the alleged offences carries punishment which is hit by the prohibitory clause of Section 497 of the Criminal Procedure Code, 1898.

5. It is important to note here that the sole fact that the accused/petitioner has individually and jointly attempted at the life of the officers and officials of the different departments of the Government in a well organized manner provides exceptional circumstances and as such the case in hand would require special dispensation. The incident manifestly portrays collective behavior of recourse to use of force against law. A society which does not have respect for Law and writ of the State could be held to have cracks in its mainframe.

6. For what has been discussed above, bail petition stands dismissed being meritless. File be consigned to District Record Room Orakzai after completion and compilation within the span allowed for. The Police record be returned with copy of this Order forthwith.

7. Announced in open Court.



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