

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

Bail Application No : 108/4 of 2022
Date of Institution : 13.12.2022
Date of Decision : 14.12.2022

NIJAT FAQEER VS THE STATE

ORDER

DPP, Umar Niaz for the State present.

Malak Muhammad Farooq Advocate, the counsel for accused/petitioner, present. He submitted fresh Wakalatnama. Placed on file. Complainant Sahar Ali present in person. He does not want to engage a private counsel. Record received. Arguments heard and record gone through.

- The accused/petitioner, **Nijat Faqeer** s/o Imam Faqeer, after being refused to be released on bail vide order dated 12.12.2022 of learned Judicial Magistrate-I, Tehsil Court Kalaya, District Orakzai, seeks his post arrest bail in case FIR no. 118, dated 30.11.2022, u/s 324/427/148/149 PPC of Police Station Kalaya, wherein, as per contents of FIR, on 30.11.2022 the local police acting on information regarding the occurrence reached the spot where the complainant Sahar Ali at 1340 hours made a report to the police to the fact that on that day he was working on a public road with excavator No. 200 when the accused/petitioner along with co-accused duly armed came on the

Shaukat Ahmad Khan
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spot and started firing at him but he (complainant) luckily escaped unhurt while the excavator was damaged. Hence, the present bail petition.

3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR and the offence for which the accused/petitioner is charged falls within the prohibitory clause of 497 CrPC, but no specific role has not been attributed to the present accused/petitioner. Moreover, no recovery in shape of empties has been effected from the spot of occurrence. Furthermore, nothing incriminating has been recovered either from possession of the accused/petitioner or upon his pointation. All these facts throw the case against the accused/petitioner within the ambit of further inquiry.

4. Hence, in view of what is discussed above, the accused/petitioner is admitted to the concession of bail provided he submits bail bonds in sum of Rs. 100,000/- with two sureties, each in the like amount to the satisfaction of this court. Sureties must be local, reliable and men of means. Copy of this order be placed on judicial/police file.

Consign.




SHAUKAT AHMAD KHAN
Sessions Judge, Orakzai
at Baber Mela