

Order.03
05.10.2022


App for the state and Counsel for accused/petitioner are present.
Record received. Arguments heard and record perused.

Accused/petitioner namely Bismillah Khan s/o Gul Nazar r/o
Qoam Rabia Khel, Tehsil Upper, District Orakzai is seeking his post
arrest bail in case F.I.R No.21 Dated:28.09.2022 U/S 506-427 PPC and
15-Arms Act, Police Station Ghiljo, District Orakzai.

Perusal of record would reveal that offences with which
accused/petitioner is charged does not fall within the ambit of
prohibitory clause of section 497 Cr.P.C. There is no criminal history of
accused/petitioner as per available record. Accused/petitioner has not
confessed his guilt before the court. Neither any FSL report is available
on file regarding the recovered weapon nor any application has been
made in this regard. There is day light occurrence but no private witness
associated in the proceedings. No documents are available about the
construction of road. Moreover, Participation of accused/petitioner in
the commission of the offence and the alleged single fire hitting the
excavator, is to be determined during trial, therefore, case of
accused/petitioner require further inquiry. Accused/petitioner is no more
required to the local police for further investigation and no useful
purpose would be served by keeping the accused/petitioner behind the
bar.

Consequently, application in hand is allowed. Petitioner be
released on bail subject to furnishing bail bonds in the sum of Rs.
70,000/- (Seventy thousand) with two reliable sureties each in the like
amount to the satisfaction of this court. Copy of this order be placed on
police as well as judicial record. The requisitioned record be sent back
to the quarter concerned forthwith, while files of this court be consigned
to record room after necessary completion and compilation.

Announced:
05.10.2022


Sami Ullah
Civil Judge/JM-I,
Orakzai (at Baber Mela).