

4

**IN THE COURT OF ABDUL BASIT
ADDITIONAL SESSIONS JUDGE-II, ORAKZAI**

Petition No. 18/4 of 2023

“Wali Khan... Versus ... The State”

Order---05

01.04.2024



Accused/petitioner through counsel present.

DPP for the State present.

Complainant in person present and stated at the bar that he relies on the arguments of learned DPP. In this respect, his signature is taken at the margin of order sheet.

Accused/petitioner Wali Khan s/o Muhammad Hussain seeks his post arrest bail in case FIR No. 15 dated: 18.03.2024 under sections 324/427/34 PPC of Kalaya Police Station, Orakzai.

Muhammad Gul, complainant, reported that on 18.03.2024 at 0820 hours, he alongwith laborers namely Rustam Khan and Muhammad Gul were transporting clay from the fields of Izat Khan to the house of Kamil Khan through tractor; that after covering of some distance, Wali Khan and Fazal Ameen armed with Kalashnikovs appeared and started firing at them with intention to kill; that the complainant and other laborers took shelter behind tractor trolley, which got damaged due to the firing of accused; that motive behind the offence was dispute over the landed property, hence, the report.

Arguments of learned counsel for accused/petitioner and DPP for the State heard and record perused.

The tentative assessment of record reveals that complainant has charged two persons for ineffective firing, therefore, this is yet to be seen that with whose fire shot the tractor/trolley got damaged. No weapon of offence or any incriminating material has been recovered from possession of accused/petitioner. Accused/petitioner has not confessed his guilt thus his involvement in the commission of offence shall be seen during trial. No one got injured in the incident so this is yet to be determined during trial whether the accused/petitioner

ayy
lll

01/04/2024

Abdul Basit
Addl: District & Sessions Judge-II
Orakzai at Baber Mela,
Hangu

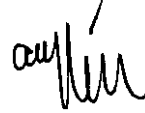
5

Contd---05
01.04.2024

had any intention to kill them or not because the complainant party was completely under the range and control of accused/petitioner which make it a case of further inquiry.

For what has been discussed above, the court conclude that accused/petitioner has made a case of bail, hence, his bail application is allowed subject to furnishing bail bonds to the tune of Rs. 200,000 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 police and judicial files for record.

File of this Court be consigned to District Record Room after its necessary completion and compilation with in the span allowed for; whereas, record be returned.



Announced
01.04.2024

(Abdul Basit)
Addl. Sessions Judge-II, Orakzai