

(B)

BA No. 28/4 of 2024  
MIR AST KHAN VS THE STATE  
FIR No. 18, Dated 12.04.2024, U/S 324//148/149 PPC,  
Police Station Mishti Mela

IN THE COURT OF SYED OBAIDULLAH SHAH,  
SESSIONS JUDGE, ORAKZAI AT BABER MELA

Bail Application No. : 28/4 of 2024  
Date of Institution : 23.04.2024  
Date of Decision : 25.04.2024

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ORDER

DPP, Umar Niaz for the State present. Mr. Shaheen Muhammad Advocate present and submitted fresh Wakalatnama on behalf of accused/petitioner. Placed on file. Complainant/injured Muhammad Amir present in person. Sana Ullah Khan Advocate present and submitted Wakalatnama on behalf of complainant. Placed on file. Record received. Arguments heard and record gone through.

2. Vide this order, I intend to dispose of this petition along with BA No. 27/4 titled as "Bait Ullah VS State etc.", BBA No. 22/4 titled as "Asad Ullah etc. VS State etc.", BBA No. 26/4 titled as "Hazrat Bilal etc. VS State etc." and BBA No. 29/4 titled as "Miraj VS State", involving the same parties charged in the same FIR.

3. Accused/petitioner, **Mir Ast Khan** s/o Sinjaf Khan, after being refused to be released on bail vide order dated 16.04.2024 of the learned Judicial Magistrate-I, Tehsil Court Kalaya, seeks his post-arrest bail in case FIR No. 18, dated 14.04.2024, u/s 324/148/149 PPC of Police Station Mishti Mela, wherein, as per contents of FIR, the local police acting on information regarding the occurrence, reached DHQ Hospital Mishti Mela and found

  
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Muhammad Nasir and Muhammad Amir (complainant in the FIR) laying in emergency room in injured condition where at about 18:30 hours the complainant made a report to the local police to the fact that on the day of occurrence he along with his brother was ploughing their fields through a tractor, when at about 17:30 hours, the present accused/petitioner along with co-accused Muhammad Bilal, Tahir, Wajid Ullah, Farman Ullah, Miraj and Abdul Wahid duly armed with Kalashnikovs and pistols came there and started firing on them, as a result of which they received injuries. Hence; the present FIR.

On the same day, injured Mir Ast Khan (the present accused/petitioner) vide DD no. 25 of 12.04.2024 at about 1900 hours has made a report to the local police to the fact that on that day one Bait Ullah arrived in the disputed fields in a tractor for ploughing when he (complainant in the DD) tried to stop him, but an altercation took place between them and accused Bail Ullah along with co-accused Asad Ullah, Ijaz Khan, Muhammad Amir, and Alamzeb present there started firing on them, as a result of which he and his nephew, Miraj received injuries. Meanwhile, one Wajid and Muhammad Farooq arrived on the spot in a Suzuki Van and started firing upon each other but they luckily escaped unhurt while the vehicle got damaged.

During the course of arguments, counsels for the parties, at the very outset stated at the bar that being cross version, they have got no objection upon

  
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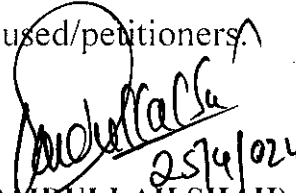
acceptance of bail petitions and confirmation of bail before arrest petitions. Thus, without touching the other merits of the case, the BBA petitions have been confirmed on the strength of existing bail bonds whereas the BA petitions are accepted provided that each of the accused/petitioner submits bail bonds of Rs. 100,000/- with two sureties each in the like amount to the satisfaction of this court. The sureties must be local, reliable and men of means.

5. Order announced. File of this court be consigned to record room after its necessary completion and compilation. Copy of this order be placed on police/judicial file. Copy of this order also be placed on BA No. 27/4 titled as "Bait Ullah VS State etc.", BBA No. 22/4 titled as "Asad Ullah etc. VS State", BBA No. 26/4 titled as "Hazrat Bilal etc. VS State" and BBA No. 29/4 titled as Miraj VS State".

6. This order is tentative in nature and would have no effect upon the trial of the accused/petitioners.

Dated: 25.04.2024



  
(SYED OBAIDULLAH SHAH)  
Sessions Judge/Judge Special Court,  
Orakzai at Baber Mela