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

Petition No. /4 of 2023

"Rizwanullah... Versus ... The State"

Order---03

02.05.2024

اصلاف خان
Complainant

Post-arrest bail application received from the Court of learned District and Sessions Judge, Orakzai.

It be entered in relevant register.

Accused/petitioner through counsel is present.

Complainant in person and Sr.PP for State is present.

Complainant stated at the bar that he does not intend to engage counsel and relies on arguments of prosecution counsel.

Accused/petitioner Rizwanullah son of Munawar Khan seeks his post arrest bail in case FIR No. 27 dated: 25.04.2024 u/sections 324/34 PPC of Kurez Boya Police Station, Orakzai.

Azlaf Khan, complainant, reported that on 13.04.2024 at 1730 hours he and along with his father were standing outside their house when in the meanwhile Rizwanullah & Armanullah commanded them to go away from there; that Armanullah was duly armed with Kalashnikov and Rizwanullah ordered him to open fire at them, whereat, Armanullah opened fire on them with intention to kill them but they luckily remained unhurt and rushed to their home; that motive behind the offence was dispute over property, hence, the report.

Arguments heard and record perused.

Viewing the arguments advanced by learned counsel for parties and record on file, it is held that the complainant has charged two persons for attempt at his life and that of his father

اصلاف خان
02/05/2024
Abdul Basit
District & Sessions Judge-II
Orakzai at Baber Mela,
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and only attributed the role of *lalkara*/command to accused/petitioner. There is no empty or weapon of offence or any other incriminating material been recovered from possession of the 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 as to whether the accused/petitioner had any intention to kill them or not because the complainant party was allegedly under the complete range and control of accused/petitioner. There is also one day delay in making the report, which is not explained and thus all the above facts make this 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. 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 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
02.05.2024


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