

(B)
BA No. 31/4 of 2024
JAN AKBAR VS THE STATE
FIR No. 16, Dated 09.04.2024, U/S 324/427 PPC,
Police Station Mishti Mela

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

Bail Application No. : 31/4 of 2024
Date of Institution : 02.05.2024
Date of Decision : 06.05.2024


JAN AKBAR VS THE STATE

ORDER

DPP, Umar Niaz for the State and Hafiz Zafran Ullah Khan Advocate for accused/petitioner present. Complainant Nabeel present in person; however, he again requested for adjournment to submit Wakalatnama and produce his counsel despite being strictly directed to produce his counsel on previous date of hearing. Hence, arguments of learned DPP heard on behalf of complainant, arguments of counsel for the accused/petitioner also heard and record gone through.

2. Accused/petitioner, **Jan Akbar** s/o Din Badshah, after being refused to be released on bail vide order dated 29.04.2024 of the learned Judicial Magistrate-I, Tehsil Court Kalaya, seeks his post-arrest bail in case FIR No. 16, dated 09.04.2024, u/s 324/427 PPC of Police Station Mishti Mela, wherein, as per contents of FIR, the complainant Nabeel Khan on 09.04.2024 at about 1620 hours made a report to the local police to the fact that on the eventful day at about 1500 hours he was ploughing his fields through a tractor driven by Khial Akbar when the accused/petitioner made firing at them from doorstep of his house, but they luckily escaped unhurt while the tractor got damaged. Hence, the present FIR.

3. Counsel for the accused/petitioner argued that the accused/petitioner has falsely been charged in the instant case, that that no weapon of offence has been recovered. On the other hand, learned DPP for the state put forward his arguments that the accused/petitioner has directly been charged in the


Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

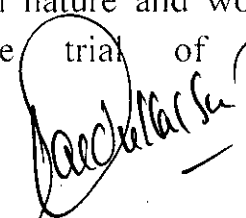
(4)

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FIR and the recovery in shape of crime empties has been effected from the spot.

4. In the light of arguments advanced by the defense counsel, learned DPP and the available record, it is observed that though the accused/petitioner is directly charged in the FIR but he has been charged for ineffective firing upon the complainant party. Moreover, the accused/petitioner has remained in police custody but no confession or admission has been made by him. Similarly, no incriminating material has either been recovered from his possession or on his pointation. Hence, the absence of previous conviction/involvement, confession, recovery of weapon of offence would attract further inquiry in case of the accused/petitioner.
5. In these circumstances, bail petition in hand stands accepted and the accused/petitioner is admitted to the concession of bail provided he submit a bail bond in the sum 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.
6. 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.
7. This order is tentative in nature and would have no effect upon the trial of the accused/petitioner.
Dated: 06.05.2024




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