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

**Petition No. 46/4 of 2024**

*“Mujahid Khan etc... Versus ... The State”*

**Order---04**

Accused/petitioners through counsel present.

05.06.2024

Complainant in person along with counsel is present.

Dy.PP for the State is present.

Accused/petitioners Mujahid Khan son of Sunab Khan and Wajidullah son of Khan Sadeeq seek their post arrest bail in case FIR No. 27 dated: 22.05.2024 under sections 506/34 PPC 15AA of Mishti Mela Police Station, Orakzai.

Sajidullah, the complainant, reported that on 22.05.2024 at 0630 hours, he was ploughing his lands through tractor when in the meanwhile, Mujahid Khan and Wahidullah armed with weapons came there and refrained them from working; that after a verbal clash, they went back and he got busy in his work again; that accused party started aerial firing from nearby hilly area with intention to criminally intimidate him; that he stopped working due to fear; that motive behind the offence was dispute over landed property, hence, the report.

Arguments heard and record perused.

The tentative assessment of the record transpires that complainant has charged two persons to criminally intimidate him; however, not a single empty has been recovered from the spot or places of accused/petitioners. They have not confessed their guilt thus their involvement in the commission of offence shall be seen during trial. Though, another incident was also reported by brother of complainant through an FIR No. 28 of

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22/06/2024  
Abdul Basit  
Addl. District & Sessions Judge-II  
Orakzai at Baber Mela,  
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5

same date vide which Raidullah, brother of the complainant, was allegedly killed by Naveedullah and Khan Siddique, however, it is held that every criminal case has its own merits and has to be decided accordingly. Besides, the weapon along with twenty rounds have been shown recovered from accused Mujahid, however, these have not been sent to the forensic laboratory so far to inquire as to whether any fire shot has been made from this weapon or not, which makes it a case of further inquiry. The offence does not hit the prohibitory clause of section 497 CrPC, wherein, grant of bail is a rule and refusal an exception.

For what has been discussed above, the court conclude that accused/petitioners have made a case of bail, hence, their bail application is allowed subject of their 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**  
05.06.2024

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