

IN THE COURT OF SYED OBAIDULLAH SHAH,
SESSIONS JUDGE, ORAKZAI

Bail Application No. : 67/4 of 2024
Date of Institution : 12.09.2024
Date of Decision : 24.09.2024

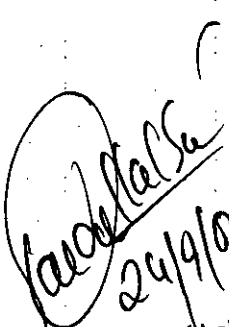
MAULA JAN VS THE STATE

ORDER

Representative of accused/petitioner present.

Arguments have already been heard. Record gone through.

2. The accused/petitioner, **Maula Jan** s/o Umar Khitab seeks his post arrest bail in case FIR No. 46, dated 02.08.2024, u/s 302/324/148/149 PPC of Police Station Kurez, wherein as per contents of FIR, the local police acting on information reached THQ Hospital Kalaya and found the dead body of Ameen Ullah in emergency room. The complainant Sami Ullah made a report to the local police to the fact that on that day he along with deceased Ameen Ullah, injured Rahim Ullah and others were busy in extracting gravels from a nearby Algada when at about 1800 hours, the present accused/petitioner and duly armed co-accused Umar Nawaz and others arrived there and started beating them (the complainant party) with butts and stones, as a result of the attack of the


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present accused/petitioner the complainant's uncle named as Awal Akbar received injuries on his ear while the co-accused Umar Nawaz and Shah Nawaz made firing upon them resulting in the injuries of Rahim Ullah and Ameen Ullah respectively who later on succumbed to their injuries and died. The complainant luckily escaped unhurt. Hence, the present FIR.

3. Learned counsel for the accused/petitioner argued that the accused/petitioner has falsely been implicated in the instant case to scot-free the actual culprit, that the medical reports do not support the version of the complainant. On the contrary, the complainant's counsel put forward his arguments that the accused/petitioner has directly been charged in the FIR, the offence for which the accused/petitioner is charged, is heinous in nature.

4. Upon reviewing the record, it's apparent that though the accused/petitioner is directly nominated in the FIR for the offence covered by the prohibitory clause of section 497 Cr.P.C, but there is no medical document of the injured for whose injuries the present accused/petitioner has been charged. There is unexplained delay of 04 hours in lodging the report. No other incriminating


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material is available on the record in shape of confession, recovery, past involvement/conviction, motive, enmity or ill-will to prima facia connect the accused/petitioner with the commission of offence.

5. In these circumstances, the bail petition in hand stands accepted and the accused/petitioner is admitted to the concession of bail provided he submits bail bonds in sum 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.
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 judicial/police file.
7. This order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 24.09.2024



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