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

**Petition No. 102/BA of 2024**

*“Attallah... Versus ... The State”*

**Order---04**

**07.10.2024**

Accused/petitioners through counsel is present.

Dy.PP for the State is present.

Complainant with counsel present.

Accused/petitioner Attallah s/o Najal Khan seeks his post arrest bail in case FIR no. 42 dated: 30.04.2024 under section 302 PPC of Kalaya Police Station, Orakzai.

Brief facts of the case as per report are that police received information that a dead body was laying in fields of Geedary Kalay, whereat, the local police rushed to the spot and found the dead body, where Dilbar Khan, complainant/brother of deceased, reported that he was present at his home and got informed that dead body of his brother was laying in the fields, whereupon, he rushed to the spot and found the dead body his brother Chaman Khan laying there; he reported that they had no enmity with anyone in the area and shall charge the accused on receiving any clue; that later on, complainant charged the accused/petitioner for commission of offence in his statement recorded u/s 164 CrPC, hence, the case.

Arguments of learned counsel for accused/petitioner; learned Dy.PP for the State assisted by counsel for complainant heard and record perused.

Viewing the arguments advanced by learned counsel for parties and record on file, this is held that initially the report was lodged by the complainant against an unknown accused; however, accused/petitioner was later on charged by relatives of the deceased with unexplained delay of about ten months. The motive behind the commission of offence disclosed by relatives of deceased in their statements recorded under section 164 CrPC and the complainant in his statement recorded u/s 161 CrPC is different. There was no previous blood feud enmity between the parties. Besides, complainant and relatives

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Addl. District & Sessions Judge-II  
Orakzai at Bahar Mela,  
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of deceased have not disclosed any source of satisfaction. The time of occurrence is unknown. There is no eye-witness to the occurrence. No empty has been recovered from the spot. There is no forensic report on file about the recovered weapons. The site plan suggests the commission of offence with sharp object; whereas, the medical report also suggests the firearm injury, which fact including the facts discussed above make it a clear 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. 300,000; 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  
07.10.2024

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