

**ROOH ULLAH VS THE STATE**

FIR No. 27, Dated 20.08.2019, u/s 436/452/427/148/149

PPC, Police Station: Kalaya

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

Bail Application No : 79/4 of 2024  
Date of Institution : 05.10.2024  
Date of Decision : 07.10.2024

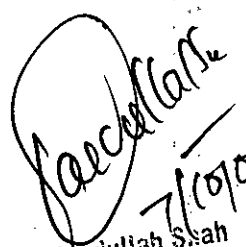
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**ORDER**

DPP, Umar Niaz for the State and Muhammad Siraj and Faqir Muhammad Advocates for accused/petitioner present. None present for complainant. Record received. Arguments heard and record gone through.

2. The accused/petitioner, **Rooh Ullah** s/o Nadar Khan, seeks his post arrest bail in case FIR no. 27, dated 20.08.2019, u/s 436/452/427/148/149 PPC of Police Station Kalaya wherein, as per contents of FIR, the complainant, made a report to the local police that on the eventful day he was present in his shop (bargain) situated at Anjani Bazar when at about 0800 hours he received information from his home that some persons have entered in his house and have put fire to the rooms of his house by sprinkling petrol. On this information, he rushed to his house and saw the present accused/petitioner with co-accused inflaming the rooms and demolishing the household articles. Hence, the present FIR.

3. Learned counsel for defense argued that the accused/petitioner has falsely been implicated in the instant case to scot-free the actual culprit, that there is unexplained delay in lodging the FIR. Learned DPP for the state put forward his arguments that the accused/petitioner is directly nominated in the FIR and recoveries have been

  
7/10/2024  
Syed Obaidullah Shah  
District & Sessions Judge  
Orakzai at Baber Mela

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made from the spot which connect the accused/petitioner with the commission offence.

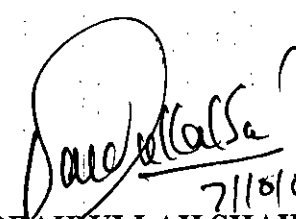
4. In light of the arguments advanced by the learned DPP and counsels for the accused/petitioner, record gone through which shows that though the accused/petitioner is directly nominated in the FIR; however, the complainant has not disclosed the name of the person who conveyed the information to him. Moreover, no one among the inmates has been cited as eyewitness of the occurrence, Furthermore, there is unexplained delay in lodging the FIR. All the aforementioned circumstances throw the case of the accused/petitioner within the ambit of further inquiry.

5. Hence, in view of what is discussed above, 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. Record be returned with copy of this order be placed on judicial/police record.

7. This order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 07.10.2024

  
7/10/2024  
**SYED OBAIDULLAH SHAH**  
Sessions Judge, Orakzai  
at Baber Mela

