

JAN MUHAMMAD VS STATE

FIR no. 56, dated 23.10.2024, u/s 379/34 PPC, PS Mishti Mela

**IN THE COURT OF BAKHT ZADA ADDITIONAL SESSIONS JUDGE-  
I, ORAKZAI AT BABER MELA**

Bail Application No : 8/BA of 2024  
Date of Institution : 31.10.2024  
Date of Decision : 05.11.2024

**JAN MUHAMMAD VS THE STATE**

**ORDER**  
05.11.2024

DyPP, Iftikhar Ahmad for the State present.

Complainant, Safi Ullah present in person. Mr. Ayaz Khan Khalil Advocate for accused/petitioner present. He submitted his Wakalatnama, which is placed on file.

2. Accused/petitioner, Jan Muhammad s/o Mastan Shah is seeking his post arrest bail in case FIR no. 56, dated 23.10.2024 u/s 379/34 PPC of police station Mishti Mela

3. Facts of the case as per record of that, complainant, Safi Ullah s/o Safar Khan on 01.10.2024 at 1300 hours reported the matter to ASHO vide naqal mad no. 8, dated 01.10.2024 that he has got ownership of landed properties near Shaho Khel, the possession which were handed over to one, Mastan Shah some 30 years back as tenant who used to give them crops of the property in shape of wheat and corn but since 2012 son of Mastan Shah deceased (1) Jan Muhammad, (2) Jamshid Ullah, (3) Wakeel Shah have illegally possessed their property and in respect the said

*Bakht Zada*  
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Addl. District & Sessions Judge,  
Orakzai at Hangu  
5.11.24

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dispute the local elders have conducted several jirgas in according to the local custom but the above named person are not ready to accept the jirgas. Later on, jirgas in respect of dispute were convened with the above named persons by District Administration, Commissioner Kohat region and FATA tribunal which were all decided and his favor but the above named person denied accepting the same. It is further alleged that suit in respect of the disputed property were decided by the Civil court, Sessions court and High court which were decided in his favor and all the three courts and execution has been completed but the above named persons are refusing all the decision of the courts and are bent upon cruelty. That on the day of occurrence he saw that the accused have cut a large number of popular trees and were still busy in doing the same with the help of saw-machine. Some of the trees have been sold by him while trunks and branches of the some tress are lying in the fields. The cuted trees were might be consisted of 4/5 vehicles. It is alleged that they restrained the persons form cutting the trees but instead of stopping they accelerated their work. The naqal mad was handed over Beat officer Amant Khan SI for conducting inquiry u/s 157 (1) Cr. PC and the opinion of the learned District Public Prosecutor the instant FIR no. 56 dated 23.10.2024 u/s 379/34 was registered at police station Mishti Mela

  
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JAN MUHAMMAD VS STATE

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and present accused namely Jan Muhammad s/o Mastan Shah was arrested by the police whereafter bail application was submitted before the learned Judicial Magistrate which was dismissed by him vide his order dated 30.10.2024 and hence the instant bail petition.

4. Arguments heard and available record perused which shows that admittedly the parties are involved in series of civil dispute/litigation with each other. The time of occurrence has not mentioned in the FIR which creates doubt about the alleged ocular account of the complainant. The matter has been reported with a considerable delay of about two days. The punishment provided for the offence under the law is three years imprisonment which does not fall under the prohibitory clause of 497 Cr. PC. I therefore, accept the instant bail petition. The accused be resealed on bail subject to furnish bail bonds worth Rs. 200000/ with two sureties local, relievable and men of means to the satisfaction of the this court.

5. Requisitioned record be returned to the quarter concerned while record of this court be consigned to Record Room. Copy of this order be placed on Judicial file.

Announced  
05.11.2024

*Bakht Zada*  
5.11.24

**BAKHT ZADA**  
Additional Sessions Judge-I, Orakzai  
at Baber Mela