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

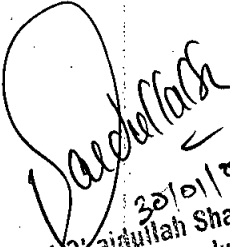
Bail Application No. : 8/4 of 2025
Date of Institution : 24.01.2025
Date of Transfer-In : 27.01.2025
Date of Decision : 30.01.2025

MOHIB ULLAH VS THE STATE

ORDER

DPP, Umar Niaz for the State, Mr. Noor Awaz Advocate for complainant and Hamid Sarfaraz Advocate for accused/petitioner present. Complainant present in person. Arguments heard and record gone through.

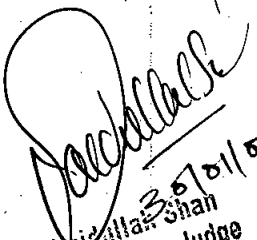
2. The accused/petitioner, **Mohib Ullah** s/o Khaniwad Gul seeks his post arrest bail in case FIR No. 62, Dated 10.11.2024, u/s 302/324/337-A(iii)/34 PPC of Police Station Mishti Mela, wherein, as per contents of FIR, the complainant, Irshad Ullah on 10.11.2024 at about 1610 hours in the emergency room of DHQ Hospital Mishti Mela made a report to the local police to the fact that on the eventful day he, his deceased father Safar Gul and his injured brother Umar Syed at 1530 hours were present at crime scene where the present accused/petitioner and co-accused were trimming tree limbs which were devoured by the


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complainant's goats. The accused became enraged, used abusive language and attacked them with sticks and axes. His (complainant) father died on the spot as a result of the blow from accused Umar Saddique while the present accused/petitioner and co-accused Hazrat Ullah caused injuries to his brother. 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 accused/petitioner is a juvenile. On the contrary, learned DPP assisted by 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 daylight occurrence for the offence falling within the prohibitory clause of 497 Cr.P.C but the accused/petitioner seems to be of the age of 16/17 years as per card of arrest and there are numerous rulings from the august Peshawar High Peshawar, Peshawar that make it exemplary to grant bail to a juvenile. Furthermore,


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the accused/petitioner has been in police custody for one day without making any admissions or confessions. Therefore, the accused/petitioner is entitled for the concession of bail under sub-section 4 of section 6 of the Juvenile Justice System Act, 2018.

5. Hence, in view of what is discussed above, bail petition in hand stands accepted and the accused/petitioner is admitted to the concession of bail provided he submits a bail bond in the sum of Rs. 100,000/- with two sureties each in the like amount to the satisfaction of this court. The 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.
7. Copy of this order be placed on judicial/police file.
8. This Order is tentative in nature and would have got no effect upon the trial of the accused/petitioner.

Dated: 30.01.2025



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