

(06)

**IN THE COURT OF FARMAN ULLAH,**  
**SENIOR CIVIL JUDGE/JM, ORAKZAI AT BABER MELA**

**ORDER**  
24/08/2020

APP for the state present. Accused petitioner through counsel. Record received.

The petitioners namely 1. Tajid Rehman s/o Wazeer Khan 2. Izzat Khan s/o Wazeer Khan 3. Muhammad Shafique s/o Meer Akbar and 4. Muhammad Bilal have applied for their post arrest bail in connection with case FIR No. 35 dated 21/08/2020 u/s 506/34/15AA PPC registered in PS Ghiljo upper Orakzai.

Arguments heard and file perused.

Perusal of the record reveal that instant FIR was registered against accused/petitioners with allegations that there is a land dispute between accused namely Muhammad Shafique, Muhammad Bilal and Izzat Khan, Tajid Rehman and due to which both the accused parties were making aerial fire in order to extend threats to each other. On receiving information, police reached the place of occurrence and recovered a Kalashnikov alongwith four rounds of the same from Muhammad Shafique (accused) and other Kalashnikov alongwith 03 rounds from Izzat Khan (accused). From the perusal of record, it is evident that no report has been made to the police by the either party. Similarly, no statement of any private witnesses is available on the file which could show that accused parties were making aerial firing on each other. Furthermore, no recovery of empties has been affected on the spot. No FSL report regarding the alleged recovered weapons has been received. So, all these facts and circumstances make the case of accused/petitioners one of further inquiry. Moreover, the accused/petitioners have neither confessed their guilt nor they are previous convict. Punishment provided for offences also does not attract the prohibitory clause of S. 497 CrPc, hence grant of bail in such like cases is a rule while its refusal is an exception, however, no exceptional circumstances exist in instant case.

FARMANULLAH  
Senior Civil Judge  
Orakzai at Baber Mela  
24.8.2020

107

For above, accused are entitled to the concession of bail at this stage, hence, application in hand is accepted and accused/petitioners are released on bail subject to furnishing of bail bonds to the tune of Rs: 80,000/- with two local sureties each in the like amount to the satisfaction of the court.

Copy of this order be placed on police record and file be consigned to record room. Record requisitioned be sent to quarter concerned.

**ANNOUNCED**  
24.08.2020

**FARMANULLAH**  
Senior Civil Judge  
Orakzai at Baber Mela  
**Farman Ullah**  
Senior Civil Judge,  
Orakzai at Baber Mela.