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Order--4
05/11/2020

Instant case file received from the court of leaned JM-I Orakzai on transfer vide order of Hon'ble sessions Judge, Orakzai, dated: 05-11-2020. Be registered. Bar is on strike. Hence, adjourned. File be put up for arguments on 06-11-2020.


(Farman Ullah)
Senior Civil Judge,
Orakzai (at Baber Mela).

ORDER--5
06-11-2020

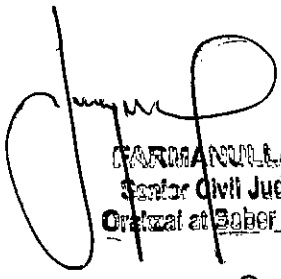
APP for the state present. Petitioner/accused present through relative.

Written arguments on behalf of accused/petitioner submitted while APP for the state heard.

The petitioner namely Inaam Ullah has applied for his post arrest bail in connection with case FIR No. 102 dated 24/09/2020 u/s 188 PPC registered in PS Kalaya lower Orakzai.

Arguments heard and file perused.

Perusal of the record reveals that accused/petitioner along with other co-accused were charged for restraining Police from implementing the order of Judicial Magistrate-I Orakzai. From the FIR it is evident that alleged occurrence is of day time and place of occurrence is a path way surrounded by the house of one Musa Khan, graveyard and landed property but in spite of that no statement of private and independent witnesses is available on file to corroborate the story narrated in FIR. Moreover, it is alleged


FARMAN ULLAH
Senior Civil Judge
Orakzai at Baber Mela.
06-11-2020

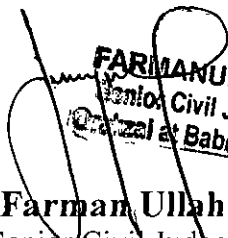
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that the accused/petitioner along with the other co-accused were restraining the police from executing the order of the court but none of the accused including petitioner was arrested on the spot. So, all these facts and circumstance make the case of accused one of further inquiry. Moreover, accused/petitioner has neither confessed his guilt nor he is previous convicted. Similarly, the punishment provided for the offence also does not attract the prohibitory section 497 of CRPC. Apart from this, record also depicts that other co-accused has already on bail vide order of learned ASJ-I Orakzai dated: 07-10-2020. So, the rule of consistency also demands equal treatment with accused/petitioner.

For above, accused is entitled to the concession of bail at this stage, hence, application in hand is accepted and accused/petitioner is released on bail subject to furnishing of bail bonds to the tune of Rs: 100,000/- with two local and reliable 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
06.11.2020


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