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**COURT OF SENIOR CIVIL JUDGE/JM, ORAKZAI AT BABER MELA**


**Case Title: Kifayat Khan alias Kaptan VS State**

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No 01	04.01.2025	<p>Bail Application submitted through counsel Insaf Ali Advocate. Be entered in the relevant register.</p> <p>2</p> <p>Notice be issued to the State for record and to complainant for <u>06.01.2025</u></p> <p> (Ijaz Mahsood) SCJ/JM, Orakzai (at Baber Mela)</p>
Order No. 02	06.11.2025	<p>DyPP for the state present. Accused/petitioner through counsel present. Record received.</p> <p>The petitioner namely Kifayat Khan alias Kaptan s/o Sultan Khan has applied for his post arrest bail in connection with case FIR No. 98, Dated: 05.10.2022, U/S 324/504 PPC, registered in PS: Kalaya, L/Orakzai.</p> <p>Facts as recounted in the FIR are that on 27.09.2022 at about 17:30 hrs, the complainant along with his son namely Zohaib were going to their home on motorcycle and when they reached to Indara Utman Khel, the accused Kaptan stopped them and began to call names and fired shots with pistol at them. The motive behind the occurrence is dispute over money.</p>

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Order No. 02 continued	06.01.2025	<p>Counsel for accused argues that there is ineffective firing. The weapon of the alleged offence has not been recovered and the empties cannot be connected to the weapon at his stage.</p> <p>Arguments and record perused.</p> <p>Weapon of the alleged shooting is yet to be recovered, which makes the recovery of empties of little significance at this stage, as they cannot be connected to the weapons.</p> <p>Law, by default, sides with bail rather than jail. Only when the commission of crime is sufficiently probable, and the nature and gravity of the alleged offence makes the accused person a flight risk or threat to the community, is bail to be withheld.</p> <p>Presently, although empties have been recovered, however their trail and connection to the weapon, or the accused has not been established. Infact, recovery of weapon has not been made so far. Further, ineffective firing in the narrative provided by the prosecution makes the existence of different version probable. Many key elements of the case are yet in need of further inquiry. Denying release on bail at this stage and with these facts would be in divergence with spirit of the remedy.</p> <p>In the given circumstances, when there is so much to inquire into the allegations, the court is inclined to admit the accused person to bail subject to payment bonds to the tune of Rs.70,000/- with sureties in the like amount to the satisfaction of this court.</p> <p>File be consigned to the record room after its necessary completion and compilation.</p> <p><b><u>Announced</u></b> 06.01.2025</p> <p style="text-align: right;"> <b>Ijaz Mahsood</b> Senior Civil Judge/JM, Orakzai (at Baber Mela)</p>