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FAZAL MANAN VS STATE

FIR no. 05, dated 26.01.2025, u/s 379/149 PPC, PS Ghiljo

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

Bail Before Arrest App: No: 37/4 of 2025

Date of Institution : 03.04.2025

Date of Decision : 16.04.2025

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ORDER

16.04.2025

Sr.PP, Abul Qasim for the State present.

Accused/petitioners (1) Fazal Manan alias Fazal Khaliq s/o Ali Mat Khan (2) Yar Badshah (alias Yarak Shah s/o Wazir Badshah (3) Ziarat Shah s/o Zarbad Shah (4) Azeem Khan s/o Lal Asgher (5) Walayat Shah s/o Wazir Badshah and (6) Khan Zaman s/o Sar Gul all resident of Caste Khadizai, Ali Khel, Tapa Merawas Khel, Tehsil Upper, District, Orakzai on ad-interim pre arrest bail along Mr. Abid Ali Advocate present.

- (2). Accused/petitioners named-above are seeking confirmation of their already granted ad-interim pre-arrest bail in case FIR no. 05, dated 26.01.2026 u/s 379/149 PPC of police station Ghiljo, District, Orakzai.

Done!
16.4.25
BAKHT ZADA
Addl. District & Sessions Judge-1,
Orakzai at Baber Mela

(3). Facts of the case as per report are that the complainant Sakhi Marjan submitted an application u/s 22A Cr. PC in the court of District and Sessions Judge, Orakzai, which was accepted and the above- mentioned FIR was registered. It is alleged that complainant is

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resident of Khadizai and the accused/petitioners named-
above have cut trees in the joint forest of the Caste
Khandizai at different times amounting to Rs.
20,000,00/-. The said forest was cut and stolen at
different intervals in the night time from 1st January to
25th January, 2025, which has caused damage to the
interest of Caste Khadizai. That one Haji Mast Khan,
Khaista Akbar s/o Sher Akbar, Sher Afzal s/o Eid
Akbar, Arman Hassan s/o Jamal Hassan, Haji Janat
Khan s/o Haji Gul Asghar, Mufti Afzal s/o Jalandar and
Noor Mat Khan s/o Gulab Khan are ready to depose as
witness against the accused.

- (4). Arguments heard and available record perused which
shows that although the cognizable offence has been
alleged against the accused/petitioners, but instead of
making complaint to the concerned Forest Department
for registration of case against the accused/petitioners,
the complainant has directly lodged application u/s 22A
Cr. PC. After registration of FIR even statement of
single official of the Forest Department has not been
brought on record. Both the complainant and
accused/petitioners belong to one and the same caste and
registration of complaint against six accused/petitioners
by a single entity without involving the concerned Forest
Department shows malafide on the part of the
complainant. No recovery of any timbers has been
effected. Neither any photographs of the roots of the said

Qureshi
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Addl. District & Sessions Judge
Orakzai at Hargu

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cut forest is placed on file, nor any witness who have seen the offence at the time of commission has been mentioned in the FIR. The time of occurrence is also unknown, rather it is mentioned that the occurrence has taken place in different intervals in the night time from 1st January to 25th January, 2025, which is uncertain and the time of occurrence is even unknown. Keeping in view the above discussion, the accused/petitioners succeeded to make out a good case for confirmation of their already granted Ad-interim pre-arrest bail is hereby confirmed on the strength of existing bail bonds.

- (5) Copy of this order be placed on police/judicial file. Record be returned to the quarter concerned while file of this court be consigned to record room after its completion and compilation.

Announced
16.04.2025

Bakht Zada 16.4.25

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