

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

Bail Application No : 43/4 of 2025
Date of Institution : 02.05.2025
Date of Decision : 07.05.2025

Order No. 03
07.05.2025

APP, Arif Akbar for the state present. Mr. Abid

Ali Advocate for accused/petitioners present.

Complainant produced on "Zamima Bay". Counsel for complainant Mr. Sanaullah Khan Advocate present and submitted his wakalat-nama. Record is already before the court. Arguments heard and record gone through.

2. The accused/petitioners namely (1). Qeemat Khan and (2). Inam Khan both sons of Nawab Khan, residents of Qaum Mishti, Village Chinar Kalay, Tehsil Lower, District Orakzai are seeking their post arrest bail in case FIR No. 25, Dated 25.04.2025, registered U/S 506, 427, 337-F(i), 337-F(ii)/34 PPC, registered at Police Station Mishti Mela.

3. Facts of the case as per contents of Murasila are that ASHO along with Fazal Shah No. 46, Muhammad Ayaz No. 2171 along with driver Mikael Khan HC No. 1211 were on gasht. During gasht on receiving information he rushed to the emergency room of DHQ Hospital, Mishti Mela where the injured Muhammad Ismail S/O Janab Khan aged about 30 years reported in that on 25.04.2025 at about 0920 hours, he was on his

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way to see his landed property and when he reached the place of occurrence accused/petitioners namely Qeemat Khan and Inam Khan sons of Nawab Khan stopped him not to use their pathway. In response to which, the complainant stated that the said pathway belongs to him. On the said issue, altercation took place between them and both the accused/petitioners named above attacked them with sticks, fists, kicks and axes, resultantly the complainant received injuries on his back, shoulders and several parts of his body. Due to beating of the accused/petitioners, the mobile phone of the complainant also got damaged. The accused/petitioners made aerial firing for criminal intimidation. The complainant party being accused in Madd No. 16 of the above-mentioned FIR were arrested and their card of arrest was issued.

4. Arguments heard and available record perused which shows that the accused/petitioners are although directly charged in the FIR, but no specific role of inflicting injuries at the person of the complainant has been attributed to any of the accused. The offence is cross version of the above-mentioned FIR and it is yet to be determined that who is the aggressor and who was aggressed upon. Furthermore, the punishment provided for the offence does not fall within the ambit of Section 497 Cr. PC, therefore, I hereby accept the instant application and release the accused/petitioners on bail subject to submission of bail bonds in the sum

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of Rs. 100,000/- with two sureties each, each in the like amount to the satisfaction of court. The sureties must be local, reliable and men of means.

5. Copy of this order be placed on police/judicial file. Case file be consigned to the record room after its necessary completion and compilation while record be returned to the quarter concerned.

Announced
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Additional Sessions Judge-I, Orakzai
at Baber Mela