

IN THE COURT OF HAQ NAWAZ,  
SESSIONS JUDGE, ORAKZAI AT BABER MELA

Bail Application No. : 135/4 of 2025  
Date of Institution : 18.09.2025  
Date of Decision : 26.09.2025

ORDER

Accused/petitioners present through their representative. Sr. PP, Abul Qasim for the State. Complainant, despite being telephonically informed, absent. I heard arguments of Sr. PP and perused the record.

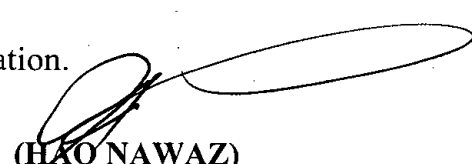
2. Accused/petitioners, **Wali Khan** s/o Nusrat Shah, **Ashiq Khan** s/o Haji Zeenat Shah and **Muhammad Alam Khan** s/o Muhammad Akbar seek their post arrest bail in case FIR No. 79, Dated 07.07.2025, u/s 302/324/148/149 PPC of Police Station Kalaya. As per contents of FIR, the local police responding to information regarding the incident, rushed to THQ Hospital Kalaya and found the dead body of Noor Zada Khan s/o Jannat Khan in the emergency room. The complainant, Gul Zameen (uncle of deceased) reported the matter to the local police on 07.07.2025 at 2245 hours that members of Caste Feroz Khel and Caste Utman Khel were present on the mountain known as Marghiyo Chan Coal Mine situated at village Banda Jat while carrying weapons and were firing at one another. He further reported that he along with the deceased Noor Zada and other persons were

  
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eating outside a room near the Coal Mine when Noor Zada was shot by a fire and died instantly, while the complainant and other persons took shelter in the said room who fortunate to escape unharmed. Motive for the occurrence was reported to be a dispute over a mountain and forest. Hence, the present FIR.

3. After hearing both the parties and perusal of the record, it was found that the petitioners are not directly charged in the FIR rather they have been charged by the complainant in his statement u/s 164 CrPC recorded on 17.07.2025. No specific role has been attributed to any of the accused/petitioner and no recovery was effected from their possession. Above all, the co-accused with similar role have already been admitted to bail. Therefore, the accused/petitioners are also entitled to the concession of bail on the basis of rule of consistency.
4. Hence, in view of what is discussed above, the accused/petitioners are admitted to bail subject to submission of bail bonds to the tune of Rs. 150,000/- with two sureties, each in the like amount to the satisfaction of this Court. The sureties must be local, reliable and men of means.
5. Copy of this Order be placed on police/judicial file. File of this Court be consigned to record room after its necessary completion and compilation.

**Announced:**  
26.09.2025

  
(HAQ NAWAZ)  
Sessions Judge, Orakzai  
at Baber Mela