

4

BA No. 161/4

BADAR SHER VS THE STATE

FIR No. 83, Dated: 25.07.2025, u/s 324/148/149 PPC,

Police Station: Kalaya

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

Bail Application No : 161/4 of 2025
Date of Institution : 21.10.2025
Date of Decision : 25.10.2025

ORDER

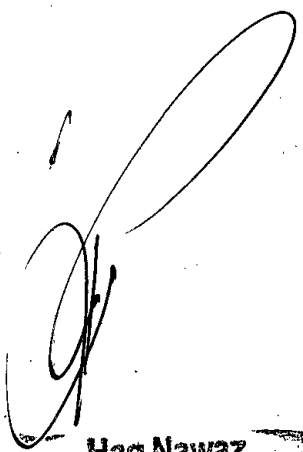
Noor Karim Advocate for accused/petitioner present. Sr. PP, Abdul Qasim for the State present. Complainant present through Shoaib Khan. Mr. Sana Ullah Khan Advocate for complainant appeared through Zoom from Kalaya. Arguments heard and record perused.

2. Accused/petitioner, **Badar Sher** s/o Zarif Khan seeks his post arrest in case FIR no. 83, dated 25.07.2025, u/s 324/184/149 PPC of Police Station Kalaya. As per contents of FIR, the local police responding to information regarding the incident, rushed to THQ Hospital Kalaya on 25.07.2025 and found the injured Zakir Ullah and Muhammad Akhlaq in the emergency room. The complainant/mediator Malik Ameen reported the matter to the police at about 1830 hours that he along with Raib Khan, Ameen Khan and Shahzad were present with the opponent parties to settle their land dispute on the eventful day but the


Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

settlement failed rather a squabble started between the parties and they assaulted each other with stones at about 1800 hours; as a result, Ziarat Gul, Asad Ullah, Khan Zada, Wahid Gul and Raib Khan sustained injuries. The complainant further reported that the accused Shahzad Khan, Asal Khan, Muhammad Tayyab and Molat Khan made firing with Kalashnikovs which resulted in the injuries of Zakir Ullah and Muhammad Akhlaq. The motive behind the occurrence was a dispute over the landed property.

3. On the same day, the complainant Saifoor Khan, vide Daily Diary No. 16 of 25.07.2025, made a report to the police at about 1840 hours that they along with Malik Ameen, Abdul Rauf, Panoos and Mian Khel were present to settle a land dispute when a squabble started between them at about 1810 hours and the accused Malik Ameen, Dilap Khan, Panoos, Zamin Khan, Mian Khel, Muhammad Doran, Raib Khan and Abdul Rauf attacked the complainant party with sticks and stones; as a result, Ziarat Gul, Asad Ullah, Khan Zada and other persons sustained injuries. He further reported that the accused made firing upon them but they luckily escaped unhurt.



Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

4. After hearing both the parties and perusal of the record, it was found that though the accused/petitioner is nominated in the statement of injured Muhammad Doran recorded u/s 161 CrPC for inflicting injuries to him but the co-accused Yad Wali, having the same and similar role, has already admitted to bail vide Order dated 19.09.2025 of the Hon'ble Peshawar High Court, Peshawar passed in Cr. M BA No. 2795-P/2025. Therefore, the accused/petitioner is also entitled to the concession of bail on the basis of rule of consistency.
5. Hence, in view of what is discussed above, the accused/petitioner is admitted to bail subject to submission of bail bonds to the tune of Rs. 100,000/- with two sureties, each in the like amount to the satisfaction of this Court. The sureties must be local, reliable and men of means.
6. 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:

25.09.2025

(HAQ NAWAZ)

Sessions Judge, Orakzai
at Baber Mela