

IN THE COURT OF IJAZ MAHSOOD SENIOR CIVIL JUDGE/JM,
ORAKZAI AT BABER MELA, HANGU

5/4

Bail Petition 5/4 BA of 2025
 Date of institution..... 05.01.2026
 Date of decision..... 08.01.2026

Order.No.03
08.01.2026

Sr.PP for the state present. Counsel for complainant present. Counsel for accused/petitioner present. Record received. Arguments heard.

Accused/petitioner namely Muhammad Sadiq S/O Muhammad Salam and Amjid S/O Muhammad Sadiq both R/O Qaum Mishti Mela, Orakzai are seeking their post arrest bail in case FIR No.95 dated: 13.11.2025 U/S 324/34 PPC Police Station Mishti Mela, District Orakzai.

Facts as recounted in the FIR are that on 13.11.2025, the complainant/injured was going to shop for purchase of items for livelihood. In the meanwhile, accused Amjid Khan and Muhammad Sadiq appeared. Accused Amjid Ali grappled with him while accused Amjid Khan started firing upon him with intention to kill him. As a result, he got hit on his right thigh and sustained injury.

It is pertinent to mention that a parallel naqal mad of the incident was also registered on the same day. In the report, the accused persons have complained that they were attacked with firearms, and that Mr. Kashif received a bullet wound to his head. Medical examination available on file confirms a lacerated wound to the head as visible in the photo graph available on file.

Essentially, there are two counter versions of the incident. The mere fact that both injured persons do not find any mention in the

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IJAZ MAHSOOD
 Senior Civil Judge/JM
 Orakzai at Baber Mela

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corresponding reports does not suffice to treat the matter as being disparate. For obvious reasons, the victims were left out by both sides.

In the context, with the given record, the court is unclear about the identity of the attacker. Both sides have, veritably, received injuries. Who launched the attack and who responded in defense is hard to tell.

Further, the site plan show a distance of 22 paces between the accused Mr. Amjad and the victim/complainant Mr. Rahim Ullah. The report reads that Mr. Sadiq had seized and held him, while Mr. Amjad Shot at him. Mr. Sadiq is father of Mr. Amjad. It is hard to accept that a person would take such a risk with his father from such distance.

Bail is to be refused 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.

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.80,000/- with sureties in the like amount to the satisfaction of this court.

File be consigned to the record room after its necessary completion and compilation

ANNOUNCED:

08.01.2026


Ijaz Mahsood
Senior Civil Judge/JM,
Orakzai