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

Bail Application No.	:	252/4 of 2026
Date of Institution	:	27.10.2026
Date of Decision	:	05.11.2026

ORDER

Muhammad Sulaiman Advocate for accused/petitioner and Sr. PP, Abul Qasim for the state present. Complainant with Insaf Ali Advocate present, who submitted Wakalatnama. Arguments heard and record perused.

2. Accused/petitioner, **Feroz Khan** s/o Gulbat Khan seeks his post arrest bail in case FIR No. 85, Dated 04.08.2025, u/s 302/324/337-F(iii)/34 PPC and 15AA of Police Station Kalaya. As per contents of the FIR, the local police, while responding to the information regarding the occurrence, reached THQ Hospital Kalaya on 04.08.2025 and found the dead body of Latif Khan with injured Fawaz Khan in the emergency room. The complainant, Zeenaf Khan, reported the matter to the local police at 07:20 hours of the even day that he was present at some distance from his brother Latif Khan and relative Fawaz Khan near the house of Latif Khan when the accused/petitioner with co-accused Ziarat Gul arrived there at 06:40 hours on a motorcycle

Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

driven by the accused/petitioner. The accused Ziarat Gul got off the motorcycle and made firing upon Latif Khan and Fawaz Khan with a Kalashnikov; as a result of which, Latif Khan got hit and died on the spot while Fawaz Khan sustained injuries. Motive behind the occurrence was reported to be 'previous blood-feud enmity' between the parties. Hence, the present FIR.

3. After hearing both the parties and perusal of the record, it was found that the accused/petitioner is directly charged in the FIR. He has been attributed the active role of driving the motorcycle through which he along with the co-accused reached to the spot and fled away after the occurrence. The present as well as the co-accused are charged u/s 34 PPC with Section 302 PPC for sharing common intention in the commission of offence. The offence falls within the prohibitory clause of Section 497 CrPC. Thus, the accused/petitioner is not entitled to the concession of bail at this stage of the bail. The application is, therefore, dismissed.

4. 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:
05.11.2026

(HAQ NAWAZ)
Sessions Judge, Orakzai
at Baber Mela