

IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAI

Bail Petition4/4 of 2023.

Date of institution.....08.02.2023.

Date of decision.....09.02.2023.

Khursheed Alam Advocate for accused/petitioners
APP for the state

Order.No.02
09.02.2023

APP for the state present. Counsel for accused/petitioner present. Complainant absent. Uncle of complainant namely Mazhar Ali present. He stated that complainant Ahmad Ali is unable to attend the court today. He also stated that he does not want to engage private counsel and would rely on the arguments of APP for the state and to this effect, his statement was separately recorded which is duly thumb impressed by him. Record in shape of attested copies received. Arguments heard and record perused.

Accused/petitioner namely Mustahib Khan S/O Aslam, R/O Qaum Stori Khel, Anjani, Lower Orakzai is seeking his post arrest bail in case FIR No.126 dated: 31.12.2022 U/S 324, 148, 149 PPC, Police Station Kalaya, District Orakzai.

Record shows that although accused/petitioner is directly and by name charged in the FIR by injured/complainant but it is to be determined during course of trial that from firing of which party

complainant got hit and sustained injury. Source of information

ZANIR KHAN
Civil Judge, Jr
Kalaya Orakzai


09/02/2023

regarding involvement of the accused/petitioner in the commission of the offence has not been disclosed. Accused has not been arrested at the spot. Nothing incriminating has been recovered from possession of the accused/petitioner or on his pointation. Co-accused have already been released on bail by the court of Sessions vide order 20.01.2023. Rule of consistency is also applicable to the case of accused/petitioner. Investigation has already been completed and accused/petitioner is no more required to the local police for further investigation and no useful purpose would be served by keeping the accused/petitioner behind the bar.

Consequently, application in hand is allowed. Petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- (Fifty thousand) with two sureties each in the like amount to the satisfaction of this court. Copy of this order be placed on police as well as judicial record. Record be returned back to the quarter concerned.

File of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:
09.02.2023


Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai