

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

Bail Petition .....2/4 of 2023.

Date of institution.....04.02.2023.

Date of decision.....06.02.2023.

Mr. Abid Ali Advocate for accused/petitioner  
APP for the state

**Order.No.02**  
**06.02.2023**

APP for the state present. Mr. Abid Ali Advocate, counsel for accused/petitioner present. Complainant present and stated that he does not want to engage private counsel. Record received. Arguments heard and record perused.

Accused/petitioner namely Ameen Badshah S/O Awal Badshah, R/O Qaum Mala Khel, Tappa Charkhela, Village Kharki, Tehsil Upper, District Orakzai is seeking his post arrest bail in case FIR No. 05 dated: 31.01.2023 U/S 381-A, 411 PPC, Police Station Mishti Mela, District Orakzai.

Perusal of record would reveal that accused/petitioner along with co-accused namely Ahmad Hussain have been arrested with stolen motorcycle in their possession. Although, the offences for which accused/petitioner is charged do not fall within the ambit of prohibitory clause of Section 497 Cr. PC but this fact by itself will not create a right in favor of accused/petitioner for grant of bail as there is sufficient material available on record connecting the



06/02/2023  
**ZAHIR KHAN**  
**Civil Judge/JM**  
**Kalaya Orakzai**

accused/petitioner with the commission of the offence. Recovery has been affected from direct possession of the accused/petitioner. Offences are heinous in nature. At this stage, only a tentative assessment is to be made and deeper appreciation of evidence is not permissible.

Consequently, the application is turned down. Copy of this order be placed on judicial as well as police file. Requisitioned record be sent back to the quarter concerned forthwith.

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

**ANNOUNCED:**  
06.02.2023



**Zahir Khan**  
JMIC-I, Tehsil Kalaya,  
Orakzai