

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

Bail Petition .....12/4 of 2023.

Date of institution.....24.02.2023.

Date of decision.....25.02.2023.


Abid Ali Advocate for accused/petitioner  
APP for the state

**Order – 02**  
25.02.2023

APP for the state present. Learned counsel for accused/petitioner present. Complainant absent. Per record, complainant namely Malak Jan is charged in cross version of the case and he is still at large. Record received. Arguments heard and record perused.

Accused/petitioner namely Wali Khan S/O Nasrat Shah, R/O Qaum Uthman Khel, Tappa Branka Khel, Village Tirai, Tehsil Lower, District Orakzai is seeking his post arrest bail in case FIR No.95 dated:29.08.2022 U/S 336, 337-A(i)/34 PPC, PS Kalaya, Orakzai.

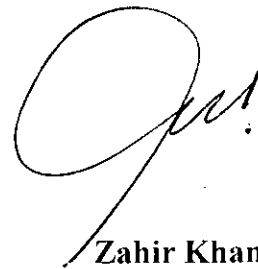
Perusal of record shows that the alleged occurrence took place on 29.08.2022 and it was reported on 29.08.2022. FIR was registered on 03.10.2022. Before registration of the case, inquiry was conducted, but there is nothing on record which could show that any permission whatsoever was obtained from the court. Although, accused/petitioner is directly and by name charged in the FIR for the commission of the offence, however, participation and role of accused/petitioner in the commission of the offence could only be determined during trial. Co-accused have already been released on bail vide order dated 27.10.2022 and 03.11.2022. Rule of consistency is applicable to

  
**ZAHIR KHAN**  
Civil Judge, JM  
Kalaya Orakzai  
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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.

Resultantly, application in hand is allowed. Accused/petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- with two reliable 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 sent back to the quarter concerned forthwith, while file of this court be consigned to record room after necessary completion and compilation.

**ANNOUNCED:**  
25.02.2023



**Zahir Khan**  
Judicial Magistrate-I,  
Tehsil Kalaya, Orakzai