

**IN THE COURT OF ZAHIR KHAN, JUDICIAL MAGISTRATE -I TEHSIL  
KALAYA, DISTRICT ORAKZAI**

Bail Petition ..... 17 /4 of 2023.  
Date of institution.....15.03.2023.  
Date of decision.....18.03.2023


Mr. Sana Ullah Khan Advocate for accused/petitioner  
Complainant Waseem Ali along with Mr. Abid Ali Advocate.  
APP for the state

**Order.04**  
**18.03.2023**

APP for the state present. Mr. Sana Ullah Khan Advocate for  
accused/petitioner present. Complainant Waseem Ali along with Mr.  
Abid Ali Advocate present. Record already received. Arguments  
heard and case file perused.

Accused/petitioner namely Mudabir Ali S/O Tanab Ali R/O  
Qaum Mani Khal, Zaredar Tehsil Lower, District Orakzai is seeking  
his post arrest bail in Case FIR No.23 dated: 11.03.2023 U/S 506/34  
PPC, Police Station Kalaya, District Orakzai.

Record shows that no empty has been recovered from the spot  
despite the fact that 02 persons are charged for making firing. Cross  
version of the occurrence is recorded vide Mad No. 11 dated  
11.03.2023 wherein, complainant party is also charged for firing at  
the accused/petitioner. The offence with which accused/petitioner is  
charged does not fall within the ambit of prohibitory clause of

  
18/03/023

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

Section 497 Cr.PC. In such like cases grant of bail is a rule and refusal is an exception. No extra ordinary circumstances exist for refusing bail of accused/petitioner. Accused has not confessed his guilt before the court. 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. File of this court be consigned to record room after necessary completion and compilation.

**ANNOUNCED:**  
**18.03.2023**



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