

Or.....04  
05.04.2023

APP for the state present. Petitioner through his counsel present. No one for the complainant present.

The petitioner namely Muhammad Zeeshan S/O Muhammad Ayub has applied for his post arrest bail in connection with case FIR No. 05, Dated: 17.03.2023 U/S 324/34 PPC, registered in PS Daboori, Upper Orakzai.

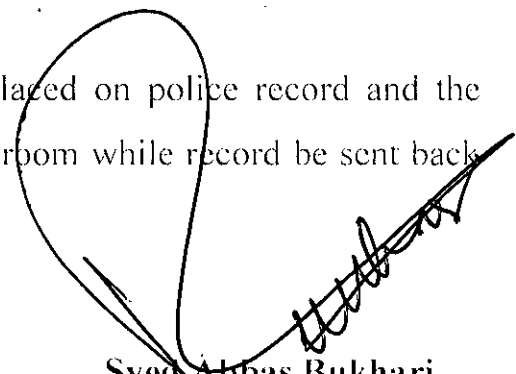
Arguments heard and file perused.

Though, the accused is directly charged in the FIR and the offence, for which accused is charged, also come within the prohibitory clause of section 497 Cr.PC. However, as per card of arrest available on the police file accused/petitioner Muhammad Zeeshan is aged about 14/15 years and thus fall within the definition of child as defined in section 2 sub section (b) of Juvenile Justice System Ordinance, 2000. Furthermore, during course of arguments counsel for accused/petitioner also produced School Leaving Certificate, which depicts that the accused/petitioner student of class 6<sup>th</sup>. Furthermore, as per Section 10(5) of JJSO, 2000 where a child under age of 15 is arrested for an offence which is punishable with imprisonment of less than 10 years, such offence shall be treated as bail able for such accused.

In light of above discussion, the petition in hand is hereby allowed and bail is granted to the accused subject to furnishing of bail bonds to the tune of Rs. 80,000/- by the accused with two local and reliable sureties, each in the like amount to the satisfaction of this court.

Copy of this order be placed on police record and the instant File be consigned to record room while record be sent back to the quarter concerned.

Announced  
05.04.2023



Syed Abbas Bukhari  
Judicial Magistrate-I,  
Fehsil Courts, Kalaya, Orakzai