

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

Bail Petition .....24/4 of 2023.

Date of institution.....10.04.2023.

Date of decision.....12.04.2023.

Order.02  
12.04.2023

None present for the state despite service of notice.  
Written arguments on behalf of counsel for accused/petitioner submitted and placed on file. Record received and perused.

Accused/petitioner namely Afsar Khan S/O Lal Baz Khan R/O Qaum Utman Khel, Tappa Baranka Khel, District Orakzai is seeking his post arrest bail in case FIR No. 31, Dated: 04.04.2023 U/S 392/34 PPC, 5-EXP-SUB-ACT and 15-AA, PS Kalaya, Orakzai.

Perusal of record would reveal that accused/petitioner is directly and by name charged in the FIR for the commission of the offence. Accused/petitioner is also charged by name by Jehad Ullah and Imran Khan in their statements recorded u/s 164 Cr.PC for snatching cash amount of Rs. 360,000/-, mobile phones and motorcycle. Accused/petitioner was arrested at the spot. The offences with which accused/petitioner is charged are heinous in nature and affects the society at large. Recovery of the snatched motorcycles has been affected from the spot at the




12/04/2023  
**ZAHIR KHAN**  
**Civil Judge/JM**  
**Kalaya Orakzai**

time of arrest of the accused/petitioner. The punishment for the offences falls within the ambit of prohibitory clause of Section 497 Cr. PC. As per decisions of the Apex Superior Courts, deeper appreciation of evidence is not permissible at bail stage and only tentative assessment thereof is to be made just to find out connection of accused with the commission of the offence. There is sufficient material available on record connecting the accused/petitioner with the commission of the offence.

Resultantly, application in hand is dismissed. Copy of this order be placed on police as well as judicial record. The requisitioned record be returned back to the quarter concerned.

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

**ANNOUNCED:**  
**12.04.2023**

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