

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

Bail Petition .....53/4 of 2023.  
Date of institution.....29.05.2023.  
Date of decision.....31.05.2023


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**Order.03**  
**31.05.2023**

APP for the state present. Brother of complainant namely Tahir Khan present. He stated that they have not engaged private counsel, therefore, W/N not submitted. Arguments on behalf of counsel for accused/petitioners were heard on 30.05.2023 but inadvertently, this fact was not mentioned in order sheet dated 30.05.2023. Arguments of APP for the state heard today and record perused.

Accused/petitioners namely Khan Alam S/O Payo Khan and Nek Mar Khan S/O Mala Khel both R/O Qaum Afridi, Wacha Dara, Sultan Zai, Tehsil Lower, District Orakzai are seeking their post arrest bail in Case FIR No.57 dated: 24.05.2023 U/S 506/34 PPC, Police Station Kalaya, District Orakzai.

Record shows that no empty has been recovered from the spot. Accused/petitioners are not arrested at the spot. Accused/petitioners have not confessed their guilt before the court. The offence with which accused/petitioners are charged does not fall within the ambit of prohibitory clause of Section 497 Cr.PC. In

  
31/05/2023  
**ZAHIR KHAN**  
Civil Judge/JM  
Kalaya Orakzai

such like cases grant of bail is a rule and refusal is exception. No extra ordinary circumstances exist to justify departure from the said rule. Investigation has already been completed and accused/petitioners are no more required to the local police for further investigation and no useful purpose would be served by keeping the accused/petitioners behind the bar.

Consequently, application in hand is allowed. Petitioners 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:**  
**31.05.2023**

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