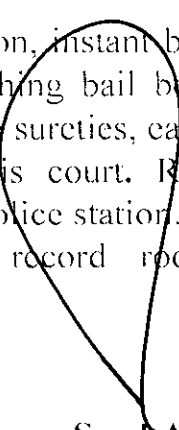


FORM "A"
FORM OF ORDER SHEET

IN THE COURT OF SYED ABBAS BUKHARI, CIVIL JUDGE/JUDICIAL MAGISTRATE/CJ-II, KALAYA ORAKZAI
Case Title: _____ Vs _____

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Or-----02	05.06.2023	<p>None present for the State. Accused/petitioners through brothers and counsel present. Complainant in person present and he submitted W/N in favor of Sana Ullah Khan Advocate which is placed on file. Record received. Accused/petitioners (1) Hashmat Ullah S/O Dalil Khan and (2) Rahat Gul S/O Yar Badshah, both residents of Qoum Ali Khel, Tappa Sher Khel, Alaf Khel, District Upper Orakzai, seeks their post arrest bail in case FIR No. 08, Dated: 03.05.2023 U/S 380/457/34 PPC registered at Police Station Daboori, District Orakzai.</p> <p>Arguments of learned counsels for accused/petitioners and complainant heard.</p> <p>Arguments heard and record perused.</p> <p>Brief facts of the case are that the complainant previously lodged instant FIR against the accused Asif Nawaz and alongwith four unknown accused including present accused/petitioners for theft of 13 solar plates installed at his tube well.</p> <p>Perusal of the available record would transpire that accused/petitioners have not been directly charged in the instant case by the complainant rather their names has been disclosed by accused Muhammad Shabeer in his 161 Cr. PC statement and furthermore no recovery has been made from the present accused/petitioners. Perusal of the record further transpire that co-accused had already been granted bail in instant case, hence the rule of consistency also exist in circumstances. Moreover, the occurrence took place at night time and furthermore the FIR was chalked with an unreasonable and unexplained delay of 03 days. The offence does not fall within the prohibitory clause of section 497 Cr.P.C.</p> <p>In light of above discussion, instant bail petition is hereby allowed subject to furnishing bail bonds of Rs. 80,000/- with two local and reliable sureties, each in the like amount to the satisfaction of this court. Record be sent back forthwith to the concern police station.</p> <p>File be consigned to record room after necessary completion.</p> <p>Announced 05.06.2023</p> <p align="right">  Syed Abbas Bukhari Civil Judge/JM-II Tehsil Courts Kalaya </p>