

(3)

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

Bail Petition .....58/4 of 2023.  
Date of institution.....20.06.2023.  
Date of decision.....22.06.2023

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Order.02  
22.06.2023

Learned counsel for accused/petitioners present.  
Complainant absent despite service. Supplementary record received. Case file is before the court in connection with pending trial of co-accused. Arguments heard and record gone through.

Accused/petitioners namely (1) Malak Lal Kareem (2) Malak Wakeel Khan (3) Niaz Buhadar (4) Muhammad Saeed (5) Muhammad Ismail (6) Mehboob Shah (7) Nazak Jan (8) Ali Asghar all R/O Qaum Feroz Khel, Tehsil Lower, District Orakzai are seeking their post arrest bail in case FIR No.60, Dated:13.06.2022 U/S 506, 427, 447, 148, 149/34 PPC, PS Kalaya, Orakzai.

Perusal of record reveals that offences with which accused/petitioners are charged do not fall within the ambit of prohibitory clause of Section 497 Cr.PC. In such like cases grant of bail is a rule and refusal is an exception. No extra ordinary circumstances are available on record which could justify

  
22/06/2023

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

departure from the said rule. There is no criminal history of accused/petitioners as per available record. Accused have not confessed their guilt before the court. Participation of accused/petitioners in the commission of the offence is to be determined during trial, therefore, case of accused/petitioners requires further inquiry. Furthermore, Co-accused have already been released on bail, therefore, rule of consistency also attracted to the case of accused/petitioners. 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.

Resultantly, application in hand is allowed. Petitioners be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- with two reliable 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. Record be sent back to the quarter concerned forthwith, while file of this court be consigned to record room after necessary completion and compilation.

**ANNOUNCED:**  
22.06.2023



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