

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

Bail Petition62/4 of 2023.
Date of institution.....03.07.2023.
Date of decision.....05.07.2023.

Order.No.03
05.07.2023

None present for the state despite service. Counsel for accused/petitioners absent. Clerk of counsel for accused/petitioners present and submitted written arguments on behalf of learned counsel for accused/petitioners. The same is placed on file. Record already received and gone through.

Accused/petitioners namely Atta Ullah S/O Zakha Khel, Muhammad Ayaz S/O Hayat Kareem, Luqman Ameen S/O Roz Ameen, Talab Khan S/O Lal Khan and Muhammad Zahid S/O Talab Khan R/O Qaum Feroz Khel, Tappa Qasim Khel, Tehsil Lower, District Orakzai are seeking their post arrest bail in case FIR No.68, Dated: 02.07.2023 U/S 506,148,149 PPC & 15-AA, PS Kalaya, Orakzai.

Perusal of record reveals that accused/petitioners are directly and by name charged in the FIR. Accused/petitioners have been arrested at the spot. Weapon of offence in shape of one rifle/Kalashnikov along with live rounds of 7.62 bore and 30 bore pistol along with a fixed charger containing 02 cartridges of the same bore have been recovered by the local police. Although, the offences for which accused/petitioners are charged do not fall within the ambit

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Civil Judge JM
Kalaya Orakzai

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of prohibitory clause of Section 497 Cr. PC but this fact by itself will not create a right in favor of accused/petitioners for grant of bail as there is sufficient material available on record connecting the accused/petitioners with the commission of the offence. Deeper appreciation of evidence is not permissible at bail stage.

Consequently, the application in hand is turned down. Copy of this order be placed on judicial as well as police file. Requisitioned record be sent back to the quarter concerned forthwith.

File be consigned to record room after its necessary completion and compilation.

ANNOUNCED:

05.07.2023



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai