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

Bail Petition55/4 of 2023.
Date of institution.....20.06.2023.
Date of decision.....22.06.2023.

Mr. Abid Ali Advocate for accused/petitioner

Order.No.02
22.06.2023

Written arguments on behalf of learned counsel for accused/petitioner submitted. Complainant absent despite service. Supplementary record received. Case file is before the court in connection with pending trial of co-accused Waseem Ali. Arguments heard and record gone through.

Accused/petitioner namely Ghadeer Ali S/O Meer Majan R/O Qaum Mani Khel, village Zaridar Tehsil Lower, District Orakzai is seeking his post arrest bail in case FIR No.35, Dated: 09.04.2023 U/S 506,148, 149 PPC, PS Kalaya, Orakzai.

Perusal of record reveals that offence with which accused/petitioner is charged does 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 an exception. No such extra ordinary circumstances are available on record to justify departure from this rule. Nothing incriminating has been recovered from possession of accused or on his pointation. Accused/petitioner has not confessed his guilt before the court. Source of information regarding the involvement of accused in the commission of the offence has not been

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Civil Judge/JM
Kalaya Orakzai

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disclosed. Furthermore, co-accused has already been released on bail, therefore, rule of consistency also attracted to the case of accused/petitioner. Investigation has already been completed and accused/petitioner is no more required to the local police for further investigation and no useful purpose would be served by keeping the accused/petitioner behind the bar.

Resultantly, application in hand is allowed. Petitioner 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 returned back to the quarter concerned.

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