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

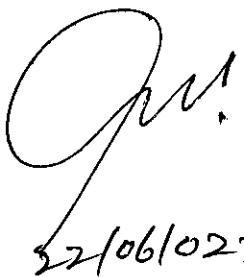
Bail Petition .....56/4 of 2023.  
Date of institution.....20.06.2023.  
Date of decision.....22.06.2023.

Mr. Asad Ijaz Advocate for accused/petitioners  
SI Minhaz (IO, Aftab Ahmad SHO, PS Kalaya

Order No.2  
22.06.2023

None present for the state. Counsel for accused/petitioners present. SI Minhaz (IO) and Aftab Ahmad SHO, PS Kalaya present. Complainant absent despite service. Per report of DFC, on the back of summon/notice, complainant Sair Muhammad was informed on his mobile phone number 0332-3606669. Complainant was called on the said number (mentioned in the FIR) through Aftab Ahmad SHO and Reader of the court. Complainant stated that he is not going to engage private counsel and that bail petition be disposed of today. Record received. Arguments heard and case file perused.

Accused/petitioners namely (1) Zarmeen Shah (2) Muhammad Saeed (3) Mashooq Khan (4) Niaz Buhadar all R/O Qaum Feroz Khel, Tehsil Lower, District Orakzai are seeking their post arrest bail in Case FIR No.54 dated: 21.05.2023 U/S 504,506, 365, 341, 384, 148, 149 PPC, Police Station Kalaya, District Orakzai.



22/06/2023  
ZAHIR KHAN  
Judge  
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 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 their pointation. Accused/petitioners have not confessed their guilt before the court. Furthermore, per contents of FIR, accused/petitioners forcibly intercepted truck loaded with coal, beaten the complainant, de-boarded him from his vehicle, criminally intimidated him, snatched his mobile phone and cash amount of Rs.150,000/-, however, neither the said truck nor the vehicle of complainant have been taken into possession by the local police/IO. No recovery has been made from possession of any of the accused/petitioners. Injury sheet of the injured/complainant is placed on file as per which he was referred to Peshawar but neither medico-legal report of any medical officer of THQ, Hospital Kalaya nor any medical report of Peshawar hospital is placed on file. None of the accused/petitioners have been arrested at the spot. Moreso, the alleged occurrence took place on 31.12.2022 and FIR was registered on 21.05.2023. Per contents of mad No. 10 of 31.12.2022, inquiry was to be conducted to dig out the actual facts but there is nothing on record which could show that any

*[Handwritten Signature]*

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

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permission whatsoever was obtained for inquiry from the court. No inquiry paper is placed on file. Case of accused/petitioner is one of further inquiry. 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. 80,000/- (Eighty 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. Record be sent back to quarter concerned.

File of this court be consigned to record room after necessary completion and compilation.

**ANNOUNCED:**  
**22.06.2023**



**Zahir Khan**  
JMIC-1, Kalaya, Orakzai