

Order...01
31.07.2023

Case file received from the court of Worthy AD &SJ, Orakzai. It be registered. Record received.

APP for the state present. Accused/Petitioners through his relatives. Complainant in the instant FIR is SHO concerned, therefore, his presence is dispensed with as APP is present for the state.


The petitioner/Accused namely Mir Bat Khan alias Minabat Khan S/O Sharab Khan has applied for his post arrest bail in connection with case FIR No. 79, Dated: 23.08.2022 U/S 324/353/186/189/337 F(i)/148/149 PPC, registered in PS Kalaya, Tehsil Lower, District Orakzai.

Learned counsel for accused/petitioner has submitted written arguments while argument on behalf of the state heard and record perused.

Perusal of record reveals that 69 persons has been charged in the instant FIR but no specific role has been attributed to the present accused/petitioner. Neither weapon of offence has been recorded nor confession has been made by present accused/petitioner. Furthermore, the record is silent regarding the fact that who amongst the accused has inflicted injury (bruise) to the two injured constables. Record further reveals that medical report was prepared with delay of 28 days, which make the case of prosecution one of further inquiry. Moreover, mere absconsion of accused/petitioner can't be a ground for withholding of his bail/liberty. Furthermore, a number of co-accused in the instant FIR with the same role, has already been granted bail by the August Peshawar High Court, Peshawar and by Learned Senior Civil Judge, Orakzai, thus, rule of consistency can't be ruled out.

Hence, in view of what is discussed above, the accused/petitioners are admitted to the concession of bail provided he submits bail bonds in sum of Rs. 100,000/- with two sureties, each in

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Sami Ullah
Civil Judge/JM-I
Orakzai at (Babar Meja)

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the like amount to the satisfaction of this court. Sureties must be local, reliable and men of means. Copy of this order be placed on police as well as judicial record. The requisitioned record be sent back to the quarter concerned forthwith, while instant file be consigned to record room after necessary completion and compilation.

ANNOUNCED

31.07.2023


SAMI ULLAH
Judicial Magistrate-I/MOD,
Orakzai (At Baber Mela)