

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

Bail Petition 76/4 of 2023.

Date of institution.....28.08.2023.

Date of decision.....29.08.2023.

Mr. Sana Ullah Khan advocate for accused/petitioner

Dy.PP for the state

Order.No.02

29.08.2023

Dy.PP for the state present. Learned counsel for accused/petitioner present. Complainant absent despite service. Record is already before the court in connection with trial of co-accused. Arguments heard and record gone through.

Accused/petitioner namely Nisraf Khan S/O Nazeer Badshah R/O Qaum Feroz Khel, Tappa Qeemat Khel, Tehsil Lower, District Orakzai is seeking his post arrest bail in case FIR No. 60, Dated:13.06.2022 U/S 506, 341, 447, 427, 148, 149 PPC, PS Kalaya, Orakzai.

Perusal of record reveals that there is unexplained delay in lodging of report. Offences with which accused/petitioner is 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 for refusing bail of accused/petitioner. Co-accused have already been released on bail, therefore, accused is entitled to concession of bail on

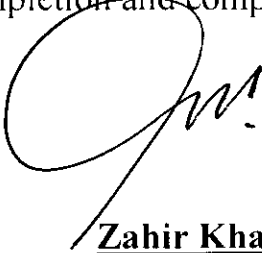


29/08/2023
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

the basis of rule of consistency. 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 retained, while file of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:
29.08.2023


Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai