

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

Bail Petition88/4 of 2023.
Date of institution.....20.09.2023.
Date of decision.....21.09.2023.

Mr. Asad Ijaz Advocate, counsel for accused/petitioners

Order.02

21.09.2023

None present for the state. Learned counsel for accused/petitioners present. Complainant absent despite service. Record received. Arguments heard and record gone through.

Accused/petitioners namely Alak Jan S/O Malak Jan and Almas Khan S/O Sultan Akbar both R/O Qoum Feroz Khel, Tehsil Lower, District are seeking their post arrest bail in case FIR No.60, Dated: 13.06.2022 U/S 506, 427, 34, 447, 148, 149 PPC, PS Kalaya, Orakzai.

Perusal of record reveals that the alleged occurrence took place on 12.06.2022 at 13:00 hours and it was reported to the local police on 12.06.2022 at 16:00 hours. FIR was registered on 13.06.2022 at 15:30 hours. There is unexplained delay in lodging of report. 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 is exception. No extra ordinary circumstances are available on record for refusing bail of accused/petitioners. Co-accused have already been released on bail, therefore, rule of consistency applies to the case of



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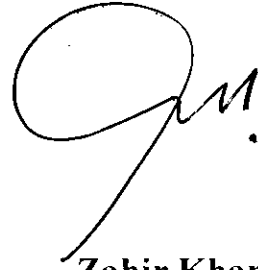
**ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai**

accused/petitioners. 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.

Resultantly, application in hand is allowed. Petitioners 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 sent back to the quarter concerned forthwith, while file of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:

21.09.2023



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai