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Naseer Khan Vs State

Or.....02
16.06.2021

Bail Application received from the court of learned Senior Civil Judge, Orakzai. It be registered.

APP for the state present. Complainant namely Khamin Gul in person present and he refused to engage a counsel for today. Petitioner through counsel present. Record received. ||

The petitioner named Naseer Khan s/o Yaqub Khan and Fazal Mehmood s/o Muhabat Khan, both R/O Kasha, Qoum Mishti, Tappa Darwi Khel, Tehsil Central, District Orakzai have applied for their post arrest bail in connection with case FIR No. 14, Dated: 28.04.2021, U/S 447, 427, 379, 34 PPC registered in PS Mishti Mela, C/Orakzai.

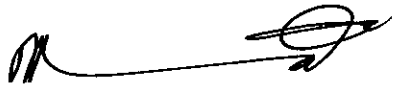
Arguments heard and file perused.

Though, accused are directly charged in the FIR but only the offence u/s 379 PPC is non-bailable while the other offences are bailable but the non-bailable offence, for which the accused are charged, does not come within the prohibitory clause of section 497 Cr.P.C, in such like cases the grant of bail is a rule while its refusal is an exception but there exist no exceptional circumstances in the present case. Further, there is no recovery of the stolen property from the accused and the same is night occurrence having no eye-witness. In addition to, accused are first offenders and have got no criminal history at their credit.

For the above reason, the accused are entitled to the concession of bail at this stage, hence, application in hand is accepted subject to furnishing of bail bonds to the tune of Rs. 50,000/- with two local and reliable sureties each in the like amount to the satisfaction of this court.

Copy of this order be placed on police record and the instant file be consigned to record room while record be sent back to the quarter concerned.

Announced
16.06.2021


(Rehmat Ullah Wazir)
JM-I/MTMC,
Orakzai at (Baber Mela)

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