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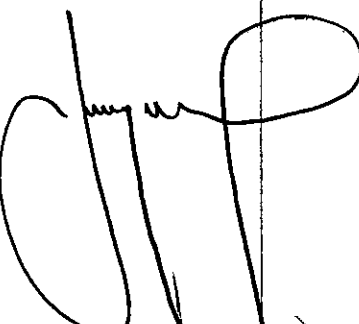
FORM "A"

FORM OF ORDER SHEET

Court of Senior Civil Judge/Judicial Magistrate, Orakzai at Baber Mela

Case Title Akhter Gul etc VS State etc

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order-1	16/09/2021	<p>Bail application submitted by counsel Muhamamd Farooq Advocate. Notice be issued to complainant and concerned SHO for record. File be put up on 18/09/2021.</p> <p style="text-align: right;">  (Farman Ullah) Senior Civil Judge/JM, Orakzai at Baber Mela MOD </p>
Order-2	18.09.2021	<p>APP for the state present. Accused/petitioners through counsel present. Complainant present. Record received.</p> <p>The petitioners named Akhtar Gul and Freed Khan Ss/o Akbar Khan have applied for their post arrest bail in connection with case FIR No. 33 dated 13/09/2021 u/s 380/34 PPC registered in PS Ghiljo Upper Orakzai.</p> <p>Arguments heard and file perused.</p> <p>Perusal of the record reveal that though accused/petitioners were directly charged by the complainant in FIR yet neither complainant himself is the eye witness of the occurrence nor any other person has seen the accused while committing the offence. Moreover, the date of occurrence is of 07.09.2021 while complainant has reported the matter at PS on 12.09.2021, so there is delay of 05 days in lodging the report. The reason for delay has been stated that complainant was</p>

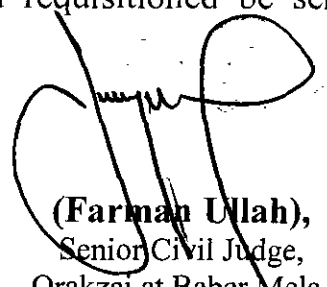

 18-9-2021
FARMANULLAH
 Senior Civil Judge
 Orakzai at Baber Mela

tracing and searching for the culprit and after his due satisfaction, he came to know that accused/petitioners have committed the offence. However, the record shows that the complainant has neither disclosed his source of information nor source of satisfaction. Though partial recovery of stolen property has been effected on the pointation of accused/petitioners however the recovery memo available on file depicts that no private and independent witness was associated with the recovery proceedings. So, it has to be determined during the trial that whether recovery of a stolen property was effected from the possession and on the pointation of accused/petitioners or otherwise. Moreover, complainant appeared before the court and stated that he has charged the accused/petitioners for the commission of offence but the accused/petitioners through Jirga satisfied him regarding their innocence and thus he has got no objection if the accused/petitioners are released on bail. So, all these facts and circumstances make the case of accused/petitioners one of further inquiry. Accused/petitioners have neither confessed their guilt nor there is a criminal history of accused involving in such like cases.

For above, accused are entitled to the concession of bail at this stage, hence, application in hand is accepted and accused/petitioners are released on bail subject to furnishing of bail bonds to the tune of Rs: 80,000/- with two local sureties each in the like amount to the satisfaction of the court.

Copy of this order be placed on police record and file be consigned to record room. Record requisitioned be sent to quarter concerned.

Announced
18.09.2021



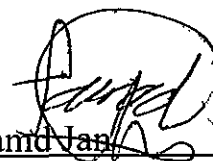
(Farman Ullah),
Senior Civil Judge,
Orakzai at Baber Mela.

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela

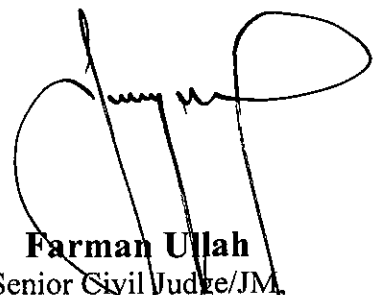
Statement of Muhamamd Fawad.

Stated that I am the complainant in case FIR No 33 dated 13-09-2021 us 380/34 PPC PS Ghiljo District Orakzai.

I have charged the accused namely Akhter Gul and Fareed Khan in the instant case. The accused satisfied me regarding their innocence through Jirga. I have got no objection if the accused are released on bail or later on acquitted by this honorable court.


Muhamamd Fawad s/o Muhamamd Jan
11201-1110317-5

RO & AC
18.09.2021


Farman Ullah
Senior Civil Judge/JM,
Orakzai at Baber Mela

18.09.2021
Senior Civil Judge
Orakzai at Baber Mela