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IN THE COURT OF SENIOR CIVIL JUDGE/JUDICIAL MAGISTRATE,
ORAKZAI

Bail Petition44/4 of 2023.

Date of institution.....21.12.2023.

Date of decision.....23.12.2023.

Order.No.03
23.12.2023

Sr. PP for the state present. Complainant along with counsel present. Counsel for the accused/petitioner submitted written arguments. Arguments of counsel for the complainant and Sr. PP for the state already heard and record perused.

Accused/petitioner namely Mina Din S/O Sahib Din R/O Ali Khel, Tappa Sher Khel, Tehsil Upper, District Orakzai is seeking his post arrest bail in case FIR No. 21 dated: 01.11.2023 U/S 380/427/447/147/149 PPC, Police Station Ghiljo, District Orakzai.

Perusal of record reveals that occurrence took place on 03.09.2023 at 11:00AM and the FIR was registered on 01.11.2023 at 10:30AM. There is unexplained delay of about two months in lodging of the report and registration of FIR. There is no independent eye witnesses of the occurrence. The offences for which the accused/petitioner is charged does 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 exist to justify the departure from the said rule. Accused

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has not confessed his guilt before the court. Furthermore, co-accused have already been released on bail. Rule of consistency is attracted to the case of accused/petitioner. 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.

Consequently, application in hand is allowed. Petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 80,000/- with two 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 returned back to the quarter concerned.

File of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:
23.12.2023

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Orakzai