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

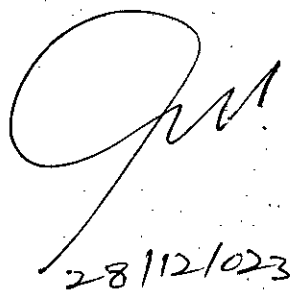
Bail Petition03/4 of 2023.
Date of original institution.....27.12.2023.
Date of present institution.....28.12.2023.
Date of decision.....28.12.2023.

Order.02
28.12.2023

Case file received from the court of JM-II/MOD. Be entered. Dy.PP for the state present. Written arguments on behalf of counsel for accused/petitioner submitted and placed on file. Complainant is absent despite service. Record received. Arguments heard and record perused.

Accused/petitioner namely Khana Gul S/O Jamadar Khan is seeking his post arrest bail in case FIR No.51, Dated: 17.12.2023 U/S 379/34 PPC, PS Mishti Mela, Central Orakzai.

Record shows that there is unexplained delay of about 28/29 days in report and registration of the case. The offence for which accused/petitioner is charged does not fall within the ambit of prohibitory clause of section 497 Cr.P.C and in such like cases grant of bail is a rule and refusal is exception. No extra ordinary circumstances exist to justify departure from the said rule. Source of information regarding involvement of accused/petitioner in the commission of the offence has not been disclosed by the complainant. Nothing incriminating has been recovered from possession of the accused/petitioner or on his pointation. Accused has not confessed his guilt before the court. Furthermore, co-



ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

accused namely Soorat Gul, from possession of whom the stolen ox was recovered, has already been released on bail by the court vide order dated 27.12.2023, therefore, accused/petitioner is also entitled to concession of bail on the basis of role of consistency.

Consequently, application in hand is allowed. Petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- (Fifty thousand) 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. Requisitioned 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:
28.12.2023



Zahir Khan
Civil Judge-I, Kalaya, Orakzai/MOD