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Case Title: Muhammad Ishtiaq and one other VS State

Order...01

06.02.2024

Bail Petition submitted through counsel Mr. Insaf Ali Advocate. It be entered in the relevant register.

Notice be issued to the complainant/state to produce the relevant record on 07.02.2024.


Sami Ullah
Judicial Magistrate-I, HQ
Orakzai (at Babar Mela)

Order...02

07.02.2024

DPP for the state present. Counsel for accused/petitioners present. Record has received today. Arguments heard and record perused.

Accused/petitioners namely 1. Muhammad Ishtiaq s/o Mushtaq Maseeh r/o Prem Naghar FC Line, District Hangu, 2. Aqid Ali s/o Noor Muhammad r/o Qoam Bar Muhammad Khel, Tappa Meer Razi Khel District Orakzai are seeking their post arrest bail in case F.I.R No.04 Dated:03.02.2024 U/S 15-AA/188/34 PPC, Police Station Kuriz Boya, District Orakzai.

Perusal of record would reveal that offence 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 an exception. No extra ordinary circumstances are available on record for refusing bail of accused/petitioners. No FSL or arms expert report is placed on file. The pistol recovered is shown in FIR is having a license. Accused/petitioner have not confessed their guilt before the court. 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.

(Continued...)


Sami Ullah
Civil Judge/JM-I
Orakzai (at Babar Mela)

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Muhammad Ishtiaq and one other Vs State

Order...02

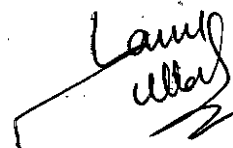
Continued.

07.02.2024

Consequently, application in hand is allowed. Petitioners be released on bail subject to furnishing bail bonds in the sum of Rs. 90,000/- (Ninety rupees) 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. The requisitioned record be sent back to the quarter concerned forthwith, while files of this court be consigned to record room after necessary completion and compilation.

Announced:

07.02.2024



Sami Ullah

Judicial magistrate-I, HQ
Orakzai at Baber Mela.