


Order.05  
05.09.2022

APP for the state present. Counsel for accused/petitioner present. Complainant absent. Record already received. Arguments heard and case file perused.

Accused/petitioner namely Rafail son of Aqal Shah, resident of Qaum Utman Khel, Miagano Kallay, Tehsil Lower, District Orakzai is seeking his post arrest bail in Case FIR No.23 dated: 15.03.2022 U/S 506,34 PPC, Police Station Kalaya, District Orakzai.

Perusal of record would reveal that offence with which 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 for refusing bail of accused/petitioner. No empty shell has been recovered from the spot. Co-accused namely Muhammad Shafiq and Aqal Shah have already been released on bail therefore, rule of consistency also apply 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. 50,000/- (Fifty thousand) with two sureties each in the like amount

  
ZAMIR KHAN  
Civil Judge/JM  
Kalaya Orakzai

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

**ANNOUNCED:**  
**05.09.2022**



**Zahir Khan**  
JMIC-I, Kalaya, Orakzai