

**IN THE COURT OF ZAHIR KHAN, JUDICIAL MAGISTRATE -I TEHSIL
KALAYA, DISTRICT ORAKZAI**

Bail Petition 3 /4 of 2024.
Date of institution.....12.03.2024.
Date of decision.....13.03.2024

Shamal Khan father of accused/petitioners and complainant Wajid Ali.

Order.02
13.03.2024

Father accused/petitioners present. Complainant present. Record received. Written arguments on behalf of counsel for accused/petitioners submitted. Complainant Wajid Ali stated at the bar that he has got no objection if accused/petitioners are released on bail. Statement of complainant is separately recorded which is duly thumb impressed by him. Copy of his CNIC is Ex.PA.

Accused/petitioners namely Maqbool Hussain and Gul Hussain Ss/O Shamal Khan both R/O Qaum Mani Khel, Tehsil Lower, District Orakzai are seeking their post arrest bail in Case FIR No.02 dated: 04.01.2024 U/S 506/34 PPC, Police Station Kalaya, District Orakzai.

Perusal of record reveals that the offence with which accused/petitioners are 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 an exception. No extra ordinary circumstances exist for refusing bail of accused/petitioners. Co-



13/03/2024

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

accused namely Shamal Khan with similar role has already been released on post arrest bail. Complainant Wajid Ali has got no objection if accused/petitioners are released on bail. Statement of complainant is separately recorded which is duly thumb impressed by him. Copy of his CNIC is Ex.PA. 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.

Consequently, application in hand is allowed. Petitioners 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. File of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:
13.03.2024


Zahir Khan
JMFC-I, Kalaya, Orakzai