

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

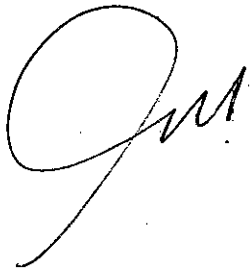
Bail Petition6/4 of 2024.
Date of institution.....28.03.2024.
Date of decision.....29.03.2024.

Order.02
29.03.2024

None present for the state and complainant despite service. Son of accused/petitioner present. Record received. Written arguments on behalf of counsel for accused/petitioner already placed on file. Record gone through.

Accused/petitioner namely Yaqoob Khan S/O Azam Khan R/O Qaum Mishti, Tappa Darway Khel, Tehsil Central, District Orakzai is seeking his post arrest bail in case FIR No. 19, Dated: 19.06.2023 U/S 452, 354, 427, 504/34 PPC, PS Mishti Mela, Orakzai.

Perusal of record reveals that offences with which accused/petitioner is 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 which could justify departure from the said rule. There is no criminal history of accused/petitioner as per available record. Accused has not confessed his guilt before the court. Participation of accused/petitioner in the commission of the offence is to be determined during trial, therefore, case of accused/petitioner requires further inquiry. Furthermore, co-accused



29/03/2024

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

Itbar Khan has already been released on post arrest bail vide order dated: 04.08.2023 by the court of learned ASJ, Orakzai, therefore, accused/petitioner is also entitled to concession of bail on the basis of rule of consistency. 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.

Resultantly, application in hand is allowed. Petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- with two reliable 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 sent back to the quarter concerned forthwith, while file of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:

29.03.2024



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai