

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

Bail Petition12/4 of 2024.
 Date of institution.....18.04.2024.
 Date of decision.....20.04.2024.


APP for the state. Father of accused/petitioner namely Wali Khan,
Complainant Muhammad Gul.

Order.No.03
20.04.2024

APP for the state present. Father of accused/petitioner namely Wali Khan present. Complainant Muhammad Gul present. He opted not to engage private counsel stating that he would rely on the arguments of public prosecutor. Record already received. Written arguments on behalf of counsel for accused/petitioner submitted. Arguments of APP for the state heard and record perused.

Accused/petitioner namely Fazal Ameen S/O Wali Khan R/O Qaum Utman Khel, Tehsil Lower, District Orakzai is seeking his post arrest bail in case FIR No.15 dated: 18.03.2024 U/S 324, 427/34 PPC, Police Station Kalaya, District Orakzai.

Record shows that although accused/petitioner is directly and by name nominated in the FIR and the punishment for the offence for which the accused/petitioner is charged falls within the ambit of prohibitory clause of Section 497 Cr. PC but it is a case of in effective firing and co-accused Wali Khan (father of


20/04/2024

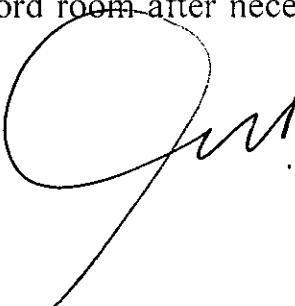
ZAHIR KHAN
Civil Judge, JM
Kalaya Orakzai

accused/petitioner), with similar role has been released on post arrest bail by the court of learned ASJ, Orakzai at Baber Mela vide order dated 01.04.2024, therefore, accused/petitioner is entitled to the post arrest bail on the basis of rule of consistency. Investigation has already been completed. 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. 80,000/- (Eighty 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. Record be returned back to the quarter concerned.

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

ANNOUNCED:
20.04.2024


Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai