

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

Bail Petition ..... 29/4 of 2024.  
Date of institution.....03.06.2024.  
Date of decision.....05.06.2024.

Mr. Abid Ali Advocate, counsel for accused/petitioner, complainant  
Shahid Ullah.

**Order.03  
05.06.2024**

None present for the state. Uncle of accused/petitioner  
namely Shehzad Khan present. Complainant Shahid Ullah present.  
He was given time to engage counsel and file W/N but he failed to  
file W/N. Record received. Written arguments on behalf of counsel  
for accused/petitioner submitted and record perused.

**ZAHIR KHAN  
Civil Judge, JM  
Kalaya Orakza**

Accused/petitioner namely Khan Tehseel S/O Muhammad  
Rasool R/O Qaum Aka Khel, village Shameer Khel, District  
Khyber is seeking his post arrest bail in case FIR No.14 dated:  
06.04.2024 U/S 506/34 PPC, Police Station Mishti Mela, District  
Orakzai.

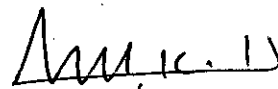
*AMK*  
05/06/2024

The 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 an exception. No  
extra ordinary circumstances exist for refusal of bail of  
accused/petitioner. FSL report regarding three 7.62 bore MM crime  
empties is placed on file. As per which, the empties were fired from

one and the same 7.62 bore MM weapon while per contents of FIR, the accused/petitioner and absconding co-accused both made aerial firing. The three empties are recovered from the places of both the nominated accused whereas, FSL report shows that the empties were fired from one and the same 7.62 bore MM weapon. Case of accused/petitioner is one of further inquiry. 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 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 quarter concerned forthwith. File of this court be consigned to record room after necessary completion and compilation.

**ANNOUNCED:**  
05.06.2024



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