

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

Bail Petition 31/4 of 2024.
Date of institution.....06.06.2024.
Date of decision.....08.06.2024.

Mr. Sana Ullah Khan Advocate for accused/petitioner,
Complainant namely Faiz Ulla, APP for the state

Order.03
08.06.2024

APP for state present. Learned counsel for accused/petitioner present. Complainant Faiz Ullah absent despite service. Record already received. Arguments heard and record perused.

Accused/petitioner namely Farman Ullah S/O Rafi Ullah Khan is seeking his post arrest bail in case FIR No.34, Dated: 02.06.2024 U/S 379 PPC, PS Mishti Mela, Orakzai.

Perusal of record reveals that the alleged occurrence took place on 30.05.2024 at unknown time while report was made on 02.06.2024. There is un-explained delay of 02 days in lodging of FIR. The source of information regarding involvement of accused/petitioner in the commission of the offence has not been disclosed by the complainant. Recovery of the stolen sheep from the house of accused/petitioner is doubtful. Accused has not confessed his guilt before the court. The offence for which accused/petitioner is charged does not fall within the ambit of prohibitory clause of section 497 Cr.P.C and in such like cases grant of bail is a rule and refusal an exception. No extraordinary circumstances exist to justify departure from the said rule.

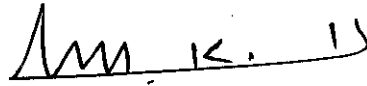
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

MM (C. 1)
08/06/2024

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. 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:

08.06.2024



Zahir Khan

Civil Judge-I, Kalaya, Orakzai

08/06/2024