

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

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Bail Petition .....60/4 of 2024.

Date of Institution.....12.08.2024.

Date of Decision.....17.08.2024.

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**Order.No.04**  
**17.08.2024**

APP for the state present. None present for accused/petitioner present despite service of notice to the counsel for accused/petitioner. Complainant absent. Record already received. APP for the state heard and perused.

Accused/petitioner namely Bakhtoor Gul S/O Sheikh Mina Gul R/O Qaum Feroz Khel, Lerri, Lower Orakzai is seeking his post arrest bail in Case FIR No.52 dated: 01.07.2024 U/S 381-A PPC, Police Station Kalaya, District Orakzai.

Perusal of record would reveal that the alleged occurrence took place on 01.07.2024, it was reported on the same day without any delay and FIR was registered on 01.07.2024 as well. On the very same day, accused/petitioner was arrested and the stolen motorcycle was recovered from his possession. After recovery of the stolen motorcycle, section 411 PPC was added in the record which section of law is not mentioned in the bail petition. Per contents of the FIR, accused/petitioner is directly and by name charged in the FIR. Although, the offences for which accused/petitioner is charged do not

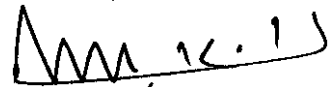
17/08/2024  
ZAHIR KHAN  
Civil Judge/JM  
Kalaya Orakzai

fall within the ambit of prohibitory clause of Section 497 Cr. PC but this fact by itself will not create a right in favor of accused/petitioner for grant of bail as there is sufficient material available on record connecting the accused/petitioner with the commission of the offence. Recovery has been effected from the direct possession of the accused/petitioner. Offences are heinous in nature. Tentative assessment of the record on file leads this court to the conclusion that a prima facie case exists against the accused/petitioner.

Consequently, the application is turned down. Copy of this order be placed on judicial as well as police file. Requisitioned record be sent back to the quarter concerned forthwith.

File be consigned to record room after its necessary completion and compilation.

**ANNOUNCED:**  
17.08.2024



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