

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

Bail Petition ..... 19/4 of 2024.  
 Date of institution.....16.09.2024.  
 Date of decision.....16.09.2024.

Order.No.02  
 16.09.2024

Bail petition received from the court of learned JMIC-II,  
 Kalaya. Be entered.

APP for the state is present. Counsel for accused/petitioner is  
 also present. Attested W/N on behalf of accused/petitioner in favor of  
 Khurshid Alam Advocate submitted. Complainant Nasir Khan along  
 with Mr. Sana Ullah Advocate is present. Wakalat Nama submitted.

Record received. Arguments heard and record perused.

Accused/petitioner namely Kamran S/O Mihrab Khan R/O  
 Qaum Feroz Khel, Syed Khalil Baba, Tehsil Lower, District Orakzai  
 is seeking his post arrest bail in case FIR No.60 dated: 22.07.2024  
 U/S 324, 427/34 PPC, Police Station Kalaya, District Orakzai.

Although, accused/petitioner is directly and by name  
 nominated in the FIR and the punishment for the offence u/s 324  
 PPC falls within the ambit of prohibitory clause of Section 497 Cr.  
 PC but it is a case of ineffective firing. Nothing incriminating has  
 been recovered from possession of accused/petitioner or on his

ZAHIR KHAN  
 Civil Judge/JM  
 Kalaya Orakzai

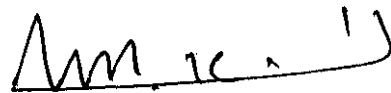
16/09/2024

pointation despite one day physical remand of the accused/petitioner. Furthermore, as per averments of FIR, the motorcycle of complainant party was hit with bullets but there is no mentioning of bullet hitting marks on the motorcycle in the recovery memo dated 22.07.2024. There is no report of official mechanic in respect of the alleged damaged motorcycle. Case of the accused/petitioner is one of further inquiry. Accused/petitioner is a government servant and there is no apprehension that he will abscond during trial. 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:**  
16.09.2024



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