

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

**Bail Petition ..... 57/4 of 2024.**

**Date of institution.....02.08.2024.**

**Date of decision.....03.08.2024.**

Order 02  
03.08.2024


APP for the state present. Counsel for accused/petitioner present. Complainant present. Wakalat Nama submitted in favor of Mr. Abid Ali Advocate on behalf of complainant. Record received. Arguments heard and record perused.

**ZAHIR KHAN**  
**Civil Judge/JM**  
**Kalaya Orakzai**

Accused/petitioner namely Hazrat Umar S/O Aqal Wazir R/O Qaum Mishti, Tappa Darway Khel, Tehsil Central, District Orakzai is seeking his post arrest bail in case FIR No.26 dated: 20.05.2024

U/S 506, 337-L(ii), 148, 149 PPC, PS Mishti Mela, Orakzai.

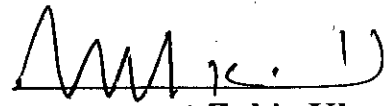
Offence u/s 337-L(ii) PPC is bailable while punishment for offence u/s 506 PPC does not fall within the ambit of prohibitory clause of section 497 Cr.PC. In such like cases grant of bail is a rule and refusal an exception. No extra ordinary circumstances exist to justify departure from the said rule. No empty has been recovered. Nothing incriminating has been recovered from possession of the accused or on his pointation. Co-accused have already been released on post arrest bail by this court, therefore, accused is also entitled to the concession of bail due to rule of consistency. Furthermore, investigation has already been completed and accused/petitioner is no

  
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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 the quarter concerned forthwith, while file of this court be consigned to record room after necessary completion and compilation.

**ANNOUNCED:**  
**03.08.2024**



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