

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

Bail Petition 8/4 of 2025.

Date of institution.....19.02.2025


Date of decision.....21.02.2025

Order.03
21.02.2025

None present for the state. Complainant absent despite service. Supplementary record received. Main file of the case have already produced by Muharrir of the court. Written argument has already been submitted and record perused.

Accused/petitioner namely Shah Jehan S/O Arab Khan is seeking his post arrest bail in case FIR No.19, Dated:19.06.2023 U/S 452,34,427,504,34 PPC, PS Mishti Mela L/Orakzai.

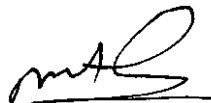
Perusal of record reveals that offences with which accused/petitioner is charged do not fall within the ambit of prohibitory clause of Section 497 Cr.PC. In such like cases grant of bail is a rule and refusal is an exception. No extra ordinary circumstances are available on record which could justify departure from the said rule. There is no criminal history of accused/petitioner as per available record. Accused has not confessed his guilt before the court. Participation of accused/petitioner in the commission of the offence is to be determined during trial, therefore, case of accused/petitioner requires further inquiry. Furthermore, co-accused Itbar has already been released on post arrest bail vide order dated: 04.08.2023 by the court of Learned ASJ, Orakzai, therefore, accused/petitioner is also entitled to concession of bail on the


MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
Orakzai at Kalaya

basis of rule of consistency. 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.

Resultantly, application in hand is allowed. Petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 100,000/- (One lac) 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:
21.02.2025


Muhammad Junaaid Alam
JMJC-II, Kalaya, Orakzai