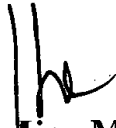
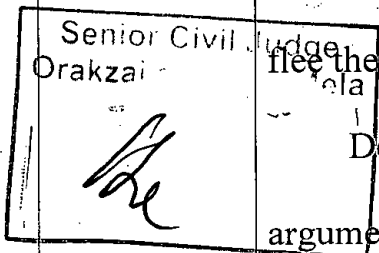


(2)

FORM "A"
FORM OF ORDER SHEET
 IN THE COURT OF SENIOR CIVIL JUDGE/JUDICIAL MAGISTRATE, ORAKZAI

Case Title: _____ Vs _____


Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Or___01	24.07.2025 ✓	Fresh bail petition submitted. Be entered. Notice be issued to complainant/state and record be requisitioned for <u>25.07.2025</u>  Ijaz Mahsood Senior Civil Judge/JM, Orakzai at Baber Mela
Order No. 02	25.07.2025	<p>Sr.PP for the state present. Accused/petitioner through counsel present. Record received.</p> <p>The petitioner namely Kafoor Khan s/o Sanjaf Khan, has applied for his post arrest bail in connection with case FIR No. 25, Dated: 23.05.2025, u/s 392/34 PPC, registered in PS: Kurez Boya, L/Orakzai.</p> <p>Record tentatively perused, in light of the arguments made at the bar, informs about two narratives of the opposing sides. The complainant has alleged that defendant forcibly and under the threats of serious harm detained his truck loaded with coal. That his driver had to flee the scene for safety.</p> <p>Defense on the other side, during the course of arguments maintained that said driver willfully left the truck behind which was then handed over to the local police.</p>



Continued

COURT OF SENIOR CIVIL JUDGE/JM, ORAKZAI AT BABER MELA

Case Title: **Kafoor Khan VS State**

Serial No of order or proceeding s	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 02 continued	25.07.2025	<p>Prosecution claims that the truck and the coal were recovered from the residence/building under the control of the accused.</p> <p>The interesting element is that the truck and the coal were recovered on separate days, two days apart. If the accused had indeed forcibly taken and driven the truck loaded with coal to his house, why was it recovered without its contents, the coal, which allegedly was recovered two days later. The record does not reliably assist on this mode of recovery which adds to the version proffered by the defense. Legally, it is a matter of further inquiry before the court could safely refuse the concession of bail to the accused. Furthermore, co-accused have already been released on bail, therefore, rule of consistency also attracted to the case of accused/petitioner. 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.</p> <p>Law, by default, sides with bail rather than jail. Only when the commission of crime is sufficiently probable, and the nature and gravity of the alleged offence makes the accused person a flight risk or threat to the community, is bail to be withheld.</p> <p>In the given circumstances, when there is so much to inquire into the allegations, the court is inclined to admit the accused person to bail subject to payment bonds to the tune of Rs.70,000/- with 02 sureties in the like amount to the satisfaction of this court.</p> <p>File be consigned to the record room after its necessary completion and compilation.</p> <p><u>Announced</u> 25.07.2025</p> <p> Ijaz Mahsood Senior Civil Judge/JM, Orakzai (at Baber Mela)</p>