(4)

FORM "A"
FORM OF ORDER SHEET

IN THE COURT OF SYED ABBAS BUKHARI, CIVIL JUDGE/JUDICIAL MAGISTRATE/CJ-II, KALAYA 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------03	18.05.2023	APP for the state present. Accused/petitioner through brother present. Complainant not present. Record received. Accused/petitioner **Muhammad Shabir S/O Lal Jan**, R/O Tapa Sher Khel, Alaf Khel, Ghiljo, District Orakzai, seeks his post arrest bail in case FIR No. 08, Dated: 03.05.2023 U/S 380/457/34 PPC registered at Police Station Daboori, District Orakzai. Learned counsel for accused/petitioner had already submitted written arguments in the instant bail petition while learned APP for the State advanced arguments. Arguments heard and record perused. Brief facts of the case are that the complainant previously lodged instant FIR against the present accused/petitioner alongwith four unknown accused for theft of 13 solar plates installed at his tube well. Perusal of the available record would transpire that major and specific role has been attributed to the present accused/petitioner by the co-accused. Although no recovery has been effected from the present accused/petitioner, yet all the planning for the commission of offence was designed by him. Moreover, the offence is one of moral turpitude and effects the society in general. Furthermore, not falling of offence within the prohibitory clause of section 497 Cr.P.C, does not entitle the accused to the concession of bail rather every case has its own facts and circumstances. In present case no exceptional circumstances exist, which may entitle the accused to the concession of bail. In light of above discussion, instant bail petition is hereby **dismissed.** Record be sent back forthwith to the concern police station. File be consigned to record room after necessary completion. **Announced** 18.05.2023 **Syed Abbas Bukhari,** Judicial Magistrate-II, Tehsil Court Kalaya, Orakzai