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IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II ORAKZAI,  
AT BABAR MELA

BBA No 13 of 2021

Usman etc Vs State

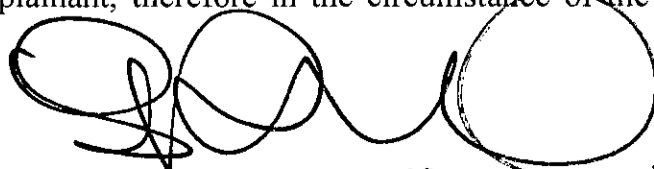
ORDER  
01.02.2021

Accused/petitioner on ad-interim pre-arrest bail present.  
Learned counsel for the accused/petitioner present. Mr. Amir Shah  
APP for the State present. Learned counsel for the complainant  
present.

Accused/petitioner Muhammad Shaheen and Muhammad  
Usman Ss/o Khana Gul R/o Qoam Mishti, Tappa Haider Khel,  
Chappar Orakzai are seeking the confirmation of their ad-interim  
pre-arrest bail in case FIR No. 02 dated 07/01/2021 U/Sec 337-  
F(v)/352/148/149 PPC of PS Lower Orakzai (Kalaya) wherein the  
accused/petitioners along with his co-accused are charged for  
inflicting injuries on the complainant and for his abduction.

Arguments for the learned counsel for the accused/petitioner  
and learned APP for the state assisted by learned counsel for the  
complainant heard and record perused.

In cases of bail before arrest there must be allegation of  
mala fide and ulterior motive which should prima facie be  
substantiated by material on record. The accused/petitioners neither  
could surface on record any mala fide nor could place on record any  
material to substantiate any mala fide on the part of complainant.  
On the other hand the accused/petitioners are charged for causing  
fracture of finger of left hand of the complainant as evident from  
medical report of the complainant which exclude mala fide on the  
part of complainant, therefore in the circumstance of the case the



SUNIKAT ALI  
Additional Sessions Judge-105  
Orakzai

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accused/petitioners are thus failed to make out a case for the confirmation of their ad- interim pre-arrest bail.

In view the above, the pre-arrest bail petition in hand is rejected and the ad-interim pre-arrest bail granted to the accused/petitioners vide order dated 22/01/2021 is hereby recalled.

File of this Court be consigned to record room after its necessary completion and compilation.

**Announced**  
**01.02.2021**



(SHAUKAT ALI)  
Additional Sessions Judge-II,  
Orakzai at Babar Mela