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

BBA No. 16 of 2021

Rizwan etc Vs State

ORDER
09.02.2021

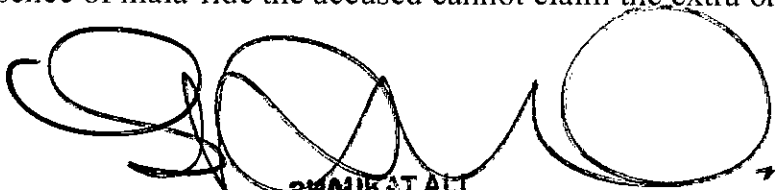
Accused/petitioner on ad-interim pre-arrest bail present. Mr. Sajid Rehman Khattak Advocate, Learned counsel for the accused/petitioners present. Mr. Javid Iqbal Sr.PP for the State present. Mr. Sana Ullah Advocate, Learned counsel for the complainant along with complainant present.



Accused/petitioners Rizwan and ~~Khalid~~ Amin Ss/o Anar Badshah R/o Qoam Utman Khel, District Orakzai are seeking the confirmation of their ad-interim pre-arrest bail in case FIR No.103 dated 24/09/2020 U/Sec 302/34 PPC of PS Lower Orakzai (Kalaya), wherein the Accused/petitioners are charged for the murder of deceased Minat Shah and Muhammad Anas by firing through fire armed weapons.

Arguments of the learned counsel for the accused/petitioners and learned Sr.PP for the state assisted by learned counsel for the complainant heard and record perused.

The grant of pre-arrest bail is a relief of extra ordinary nature which is only extended in exceptional circumstances where the accused is able to show mala-fide on the part of prosecution or when it is shown on the bare reading of the FIR that no offence has been committed. The accused/petitioners are charged for a heinous offence of murder of two deceased persons and the accused/petitioners are yet to be interrogated for digging out the facts of the case. The accused/petitioners could not surface on record any mala-fide on the part of complainant or prosecution as in the absence of mala-fide the accused cannot claim the extra ordinary


SHAIKAT ALI
Addl: District & Sessions Judge-II,
Orakzai

relief of pre-arrest bail. The accused/petitioners 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 30/01/2021 is hereby recalled.

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

Announced
09.02.2021



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