

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

BBA No. 33 of 2021  
Dost Muhammad Vs State

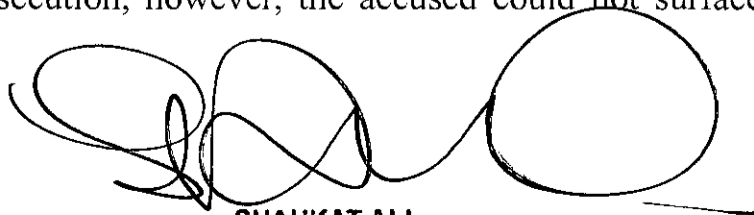
**ORDER**  
**08.03.2021**

Accused/petitioner on ad-interim pre-arrest bail along with his counsel present. Mr. Javed Iqbal Anwar Sr.PP for the State present. Complainant in person present.

The accused/petitioner Dost Muhammad s/o Shereen Khan R/o Tappa Branka Khel Tehsil Lower District Orakzai, is seeking the confirmation of his ad-interim pre-arrest bail in case FIR 104. Dated 4-09-2021 u/sec 302/34 PPC PS Lower Orakzai (Kalaya) wherein, accused/petitioner along with his co-accused is charged for murder of deceased Amin Ullah by firing through fire Arm weapon.

Arguments of the learned counsel for the accused/petitioner and learned Sr.PP for the state heard and record perused.

Mala fide is sine qua non for the grant of pre arrest bail and the extra ordinary concession of pre arrest bail can only be extended to the accused/petitioner when the accused is able to surface on record mala fide on the part of complainant or prosecution, however, the accused could not surface



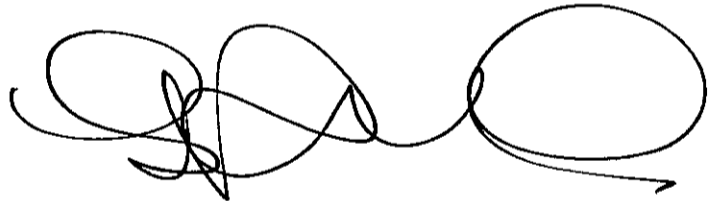
**SHAUKAT ALI**  
**Addl: District & Sessions Judge-II,**  
**Orakzai at Hangu**

on record any mala fide on the part of complainant. The accused/petitioner is charged for the murder of deceased, and he is yet to be interrogated by the Police to dig out the facts of the case, hence, this court is not inclined to extend the concession of pre-arrest bail to the accused/petitioner.

In view the above, the pre-arrest bail petition in hand is rejected and the ad-interim pre-arrest bail granted to the accused/petitioner vide order dated 24/02/2021 is hereby recalled.

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

**Announced**  
**08.03.2021**



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