

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


BBA No 49/4 of 2021

Haji Adam Khan etc. Vs State

ORDER
30.04.2021

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

Accused/petitioners Haji Adam Khan, Fateh Muhammad,
Yar Muhammad, Abdur Rahim and Taj Muhammad r/o Qaum Stori
Khel Tehsil Lower District Orakzai are seeking the confirmation of
their ad-interim pre-arrest bail in case FIR No. 47 dated 26/03/2021
U/Sec 337-A(ii)F(i)/506/148/149 PPC of PS Lower Orakzai
(Kalaya) wherein the accused/petitioners are charged for inflicting
injuries on the complainant party and for making firing upon them.

Arguments  the learned counsel for the
accused/petitioners 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 of record. The accused/petitioner 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/petitioner is charged for causing
injuries to the complainant party as evident from medical reports of
the injured Muhammad Nawaz, Sadam Hussain and Muhammad
Bakhtiar which exclude mala fide on the part of complainant.
Furthermore the occurrence has not been denied by both the parties,
therefore admittedly the occurrence has taken place, hence in the

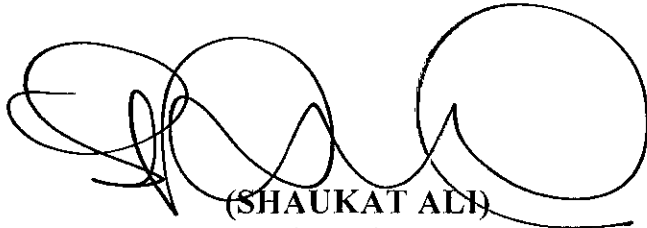

SHAUKATALI
Addl: District & Sessions Judge-II
Orakzai at Hangu

circumstance of the case the accused/petitioners 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/petitioner vide order dated 12/04/2021 is hereby recalled.

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

Announced
30.04.2021



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