

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

BBA No 50/4 of 2021  
Muhammad Nawaz Vs State

BBA No 52/4 of 2021  
Ilyas Khan etc. Vs State

BBA No 53/4 of 2021  
Sadam Hussain 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.

This consolidated order is intended to dispose of the above  
titled pre-arrest bail application of Accused/petitioners Muhammad  
Nawaz, Ilyas Khan, Muhammad Rasool, Inam Rasool, Bakhtiar,  
Saleh Khan, Sadam Hussain and Khalid Khan r/o Anjanri District  
Orakzai seeking the confirmation of their ad-interim pre-arrest bail  
in case FIR No. 48 dated 26/03/2021 U/Sec 337-F(i)F(iii)/ 147/149  
PPC of PS Lower Orakzai (Kalaya) wherein the accused/petitioners  
are charged for fighting with the complainant party at the place of  
occurrence and inflicting injuries on one Muhammad Khalid  
(injured).

Arguments of 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 on record. The accused/petitioner neither  
could surface on record any mala fide nor could place on record any


  
**SHUKAT ALI**  
Addl: District & Sessions Judge-II,  
Orakzai at Babar Mela

material to substantiate any mala fide on the part of complainant. On the other hand the accused/petitioner is charged for causing injuries to Muhammad Khalid (injured) as evident from medical report of the injured 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 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 13/04/2021 and 19-04-2021 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