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Court of Additional Sessions Judge, Orakzai at Baber Mela

Case Title: Mesam Ali etc. Vs State. BBA. 10/4 of 2022

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	23.02.2022	<p>Petitioners in person on ad-interim pre-arrest bail along with Mr. Abid Ali Advocate; complainant through Mr. Insaf Ali Advocate and Javid Akhtar Wazir Sr.PP for the State are in attendance.</p> <p>2. This is the disposal of petition for Pre-Arrest Bail presented through counsel on behalf of accused Mesam Ali son of Khyal Hassan and Khyal Hassan son of Abdul Hassan, all residents of Bar Muhammad Khel, Kurez of District Orakzai; charged in FIR bearing No. 02 Dated 03-01-2022, registered under Sections 337-A(ii),352, 427/34 of the Pakistan Penal Code 1860, in Police Station Kurez Boya, Orakzai.</p> <p>3. Allegations are that accused/petitioners along with co-accused visited the house of complainant and beaten Hamid Ali on the door step of such dwelling house. Ayeen Hassan being brother of the complainant rushed towards the spot who was also subjected to stabbing with knife and resultantly, both of them sustained injuries. Motive for the offence was assigned as dispute over landed property. The report of complainant was recorded by local police vide Daily Dairy No. 21 dated 03-01-2022. On getting medical reports, the above mentioned case was registered. Two out of four accused presented petition for pre arrest bail, which is under consideration.</p> <p>4. 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 material to substantiate any mala fide, harassment or humiliation on the part of complainant. On the other hand the accused/petitioners are charged for causing injuries to the complainant party as</p>


SAYED FAZAL WADOOD
Addl: District & Sessions Judge
Orakzai at Hangu

evident from medical reports which apparently excludes the mala fide on part of complainant. In the circumstance of the case the accused/petitioners failed to make out a case for the confirmation of his ad- interim pre-arrest bail.

5. 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 No.2 dated 15/01/2022 is hereby recalled.

6. File be consigned after completion and compilation to District Record Room Orakzai, within span allowed for.

7. Announced in open Court.



Sayed Fazal Wadood,
AD&SJ, Orakzai at Baber Mela