

Or 06
24-06-2020

Present:

DPP Umar Niaz for State

Accused/petitioner on interim bail, along with Sajid Rehman Khattak,
Advocate

Complainant Fazal Akbar and injured Naimat Ullah, along with Noor
Karim Khan Advocate

This order shall dispose of **pre-arrest bail** application of the accused/petitioner **Raheem Ullah** s/o Muhammad Yahya r/o Sheikhan caste, Tapa Samozai, Kaganai, PO Mishti Mela, Central Orakzai; who is charged in case **FIR No. 38**, dated 09-05-2020, u/s **324/34 PPC** of **PS Lower Orakzai**.

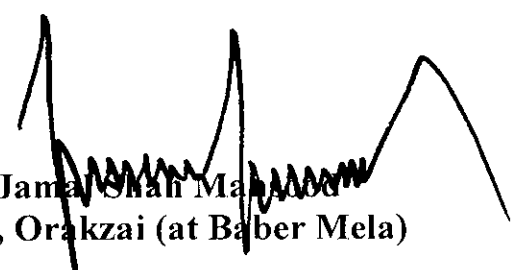
The accused/petitioner is charged for attempting at the life of Naimat Ullah, with firearm. The complainant had also charged 02 other co-accused for instigating the present accused/petitioner for committing the offence.

Arguments of counsels for the parties and DPP for State heard, and available record perused; the tentative assessment of which, for the purpose of deciding instant petition, shows that:

1. The counsel for accused/petitioner could not point out any malafide on part of the complainant or local police in nominating present accused/petitioner for the offence.
2. The release of a co-accused on BBA would not give benefit of rule of consistency to the present accused/petitioner, as the present accused/petitioner has been attributed the main role of firing.
3. The points raised by counsel for accused/petitioner during arguments cannot be considered without establishment of malafide.

In these circumstances, pre-arrest bail petition of the accused/petitioner is **dismissed**. Let copy of this order be placed on record on the same be returned to the quarter concerned while this file be consigned to the record room after necessary completion and compilation.

Announced
24-06-2020


Jama Shah Mahmood
ASJ-I, Orakzai (at Baber Mela)