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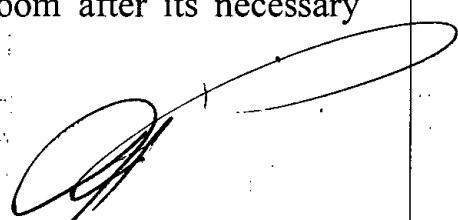
IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA

Case Title: Muhammad Shaheen VS State

FIR no. 43, Dated: 29-8-2026, u/s 302, PS Kurez Boya.

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 No.04	30.09.2026	Accused/petitioner, Muhammad Shaheen on ad-interim pre-arrest bail present along with counsel. Sr. PP, Abul Qasim for the state and Dr. Amir Ajam Advocate for complainant present. Zahoor Ur Rehman Advocate present and submitted Wakalatnama on behalf of accused/petitioner. Arguments heard and record perused. The accused/petitioner, Muhammad Shaheen s/o Khana Gul, seeks confirmation of his bail before arrest in case FIR No. 43, Dated 29.08.2026, u/s 302 PPC registered at Police Station Kurez Boya. As per contents of the FIR, the local police, while responding to information regarding the incident, rushed to THQ Hospital Kalaya on 29.08.2026 and found the dead bodies of Muhammad Aslam and Muhammad Afzal Akbar in the emergency room. The complainant, Tilawat Khan, made a report to the local police at 1900 hours that he was present in his house when he received information that his relatives Muhammad Aslam and Muhammad Afzal were done to death by someone and their bodies were present on the spot. Upon this information, the complainant rushed to the spot and found their dead bodies smeared with blood. No one was charged in the FIR; however, the brother of deceased Muhammad Afzal Akbar charged the accused/petitioner and others for the commission offence in their statements u/s 164 CrPC on 14.09.2026. The learned counsel for the petitioner submitted that no one was initially charged in the FIR. The petitioner was subsequently charged in the FIR with a delay of more than one week. The parties have coal mine disputes; therefore, the petitioner was malafidly charged for the commission of offence. He, therefore, requested


Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

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		for confirmation of pre-arrest bail of the accused/petitioner. On the other hand, the learned counsel for the complainant submitted that had the brother of deceased Muhammad Afzal Akbar was having malafide, he would have charged the accused/petitioner initially, rather he charged him after due satisfaction with his source of information. He requested for dismissal of pre-arrest bail of the accused/petitioner. After hearing both the parties and perusal of the record, it was found that through the accused/petitioner was not initially charged but the brother of deceased charged the accused/petitioner in his statement u/s 164 CrPC. The offence falls within the prohibitory clause. The motive behind the occurrence is also given in the supplementary statement of brother of deceased Muhammad Afzal Akbar. Hence, the accused/petitioner is not entitled to the extra-ordinary concession of pre-arrest bail. Therefore, ad-interim bail earlier granted to the above-named accused/petitioner is hereby recalled and the BBA in hand resultantly stands dismissed. Copy of this Order be placed on judicial/police file. File of this Court be consigned to record room after its necessary completion and compilation. <u>Announced:</u> 30.09.2026  (HAQ NAWAZ) Sessions Judge, Orakzai at Baber Mela