



2026:AHC-LKO:20182

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 1717 of 2026

Rijwan

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ashutosh Bajpai
Counsel for Opposite Party(s)	:	G.A.

Court No. - 15

HON'BLE KARUNESH SINGH PAWAR, J.

Heard learned counsel for the applicant, learned AGA for the State and perused the record.

From a perusal of the F.I.R., it transpires that the police party was approached by a mukhbir khas (confidential informer), who disclosed that slaughter of cow progeny had taken place and that the persons involved were attempting to dispose of the meat. Acting on the said information, the police party proceeded to the indicated spot. Upon reaching there, they allegedly heard voices stating that it is about to become daylight. The police party then challenged the persons present, informing them that they had been surrounded and calling upon them to surrender. In response, the accused persons allegedly exhorted that since the police had arrived, none of them should be allowed to escape and that they should be shot. It is further alleged that the police party opened fire, during which one of the accused cried out that he had been shot. Thereafter, three persons were apprehended on the spot, while a fourth managed to flee.

Learned counsel for the applicant submits that the prosecution story is highly improbable and suffers from serious inconsistencies. It is pointed out that as per the F.I.R., the incident is alleged to have occurred at 10:45 a.m.; however, the meat inspection report of the same date records the time of inspection as 10:00 a.m., i.e., prior to the occurrence of the alleged incident. It is contended that such a sequence is highly impossible and renders the prosecution case doubtful.

Learned counsel further submits that taking note of this apparent improbability, a Division Bench of this Court, while passing an interim order in Criminal Misc. Writ Petition No. 1393 of 2026 in favour of co-accused Akbar Ali, has called for a personal affidavit from the Superintendent of Police, Bahraich. It is also contended that the applicant has been falsely implicated and the alleged recovery of a banka (sharp-edged weapon), as well as the recovery of meat, is fabricated. According to learned counsel, the entire prosecution case is a bundle of lies, particularly in light of the inconsistency reflected in the meat inspection report. It is submitted that recovery of 25kg meat is false.

It is further submitted that there is no possibility of the applicant of fleeing away after being released from jail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

Learned A.G.A. opposed the prayer for bail but could not dispute the aforesaid facts as argued by the learned counsel for the applicant.

Upon due consideration of the facts and circumstances of the case, particularly the order passed by the Division Bench of this Court as noted above, the fact that the applicant has no criminal antecedents, that the offences alleged are triable by a Magistrate, and that the applicant has been languishing in jail since 22.01.2026, I am of the considered view that the applicant has made out a fit case for grant of bail.

Accordingly, the bail application is allowed.

Let the applicant Rijwan, involved in Case Crime/FIR No. 13/2026, Under Sections 109(1), 325, 3(5) of BNS, Section 3/5/8 of U.P. Prevention of Cow Slaughter Act, Police Station Jarwal Road, District Bahraich, be released on bail in the aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial Court.

Any other condition(s) which the trial court/concerned court may deem fit and proper, in the circumstances of the case, may also be imposed.

It is clarified that the observations made in this order are confined to the present bail application and shall have no bearing on the merits of the trial.

(Karunesh Singh Pawar,J.)

March 19, 2026

kkb/