



2026:AHC:129026

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 20130 of 2026

Shyam Mohan Kashyap And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Lavkush Kumar Bhatt
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE TEJ PRATAP TIWARI, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State and perused the material on record.
2. The instant bail application has been filed on behalf of the applicants, with a prayer to release him on bail in Case Crime No.103 of 2026, under Sections 3/5A/5B/8 of Cow Slaughter Act, Police Station Bhawarkol, District Ghazipur, during pendency of trial.
3. It is argued by the learned counsel for the applicants that the applicants are quite innocent and have been falsely implicated in the present case with ulterior motive. The applicant no.1 is the owner of the truck and applicant no.2 is the driver. He further submitted that on the basis of false and frivolous allegation, their names have been implicated in the present case. No offence under U.P. Prevention of Cow Slaughter Act, 1955 has been committed by them warranting punishment under the aforesaid Act. He has further submitted that from the allegations made against the applicants, no cognizable offence as per Section 9 of the U.P. Prevention of Cow Slaughter Act, 1955 is made out against them. The offence is triable by Magistrate and maximum sentence of 7 years. The applicants have no criminal history and they are in jail since 07.05.2026. In case the applicants are released on bail they will not misuse the liberty.
4. Per contra learned A.G.A. has opposed the bail prayer of the applicants by contending that the innocence of the applicants cannot be adjudged at pre trial stage, therefore, he does not deserves any indulgence. He has

strongly opposed the bail and contended that cow slaughtering leads to acrimony between various groups of society. It has also resulted into riot like situations which poses serious problem for law and order before the State. He has finally submitted that due to above reasons, State had to apply U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986 against some of such accuseds. He has pointed out that for the above reasons the U.P. Prevention of Cow Slaughter Act, 1955, Prevention of Cruelty to Animals Act, 1960, U.P. Goshala Adhinyam, 1964 and U.P. Go-Sewa Ayog Adhinyam, 1999 have been enacted by the State Government.

5. Considering the material/evidence brought on record, the submissions made by the learned counsel for the parties as well as the dictum of Apex Court in the case of **Dataram Singh Vs. State of U.P. and another, reported in (2018) 3 SCC 22 and recent judgment dated 11.07.2022 of the Apex Court** in the case of **Satendra Kumar Antil vs. C.B.I., passed in S.L.P (Crl.) No. 5191 of 2021** larger mandate of Article 21 of the constitution of India.

Let the applicants ***Shyam Mohan Kashyap and Gaurav Yadav***, who involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of the court concerned, subject to the following conditions :-

- (i) The applicants shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.
- (ii) The applicants shall not pressurize/intimidate the prosecution witnesses.
- (iii) The applicants shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of B.N.S.S.
- (iv) The applicants shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses

are present in the trial court.

(v) The applicants shall remain present before the trial court on each date fixed, either personally or through his counsel.

6. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

7. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Tej Pratap Tiwari,J.)

June 24, 2026
T.S.