

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT BOMET

CRIMINAL CASE NO. 11 OF 2020

REPUBLIC.....PROSECUTOR

VERSUS

PATRICK KIPKEMOI BETT.....ACCUSED

RULING

1. The accused Patrick Kipkemoi Bett is charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code. The particulars of the offence are that on 14th May 2020 at Kimawit location in Sotik Sub-county within Bomet County murdered Kevin Kipngeno.

2. The accused took plea before me on 3/11/2020 and denied the charge. His counsel Mr. Leteipa promptly made an application for the accused to be released on reasonable bond terms. On his part Mr. Mureithi learned Principal Prosecution Counsel asked the court to direct that a pre-bail report be filed. The court acceded to the request and directed that the report be filed within 14 days.

3. When the matter came up for hearing on 2/12/2020, Ms. Chepkemoi submitted that the pre-bail report was positive and that there were no compelling reasons to deny the accused bail. On his part Mr. Mureithi left the matter to the discretion of the court.

4. The pre-bail report casts the accused as a law abiding citizen who prior to the incident used alcohol moderately. The report describes the circumstances of the offence as arising out of a love triangle between the deceased, the accused and an unnamed woman. That the accused and the deceased fought and in the course of the fight the accused fatally stabbed the deceased.

5. With respect to the victim impact statement, the Probation Officer recorded that the deceased's family had come to terms with the loss of their son and were in reconciliation negotiations with the accused's family. That the two families were related through marriage and they wished to maintain their cordial relationship. That both families had no reservations about the accused being released on bail.

6. I have considered the application. I have also considered the pre-bail report and the victim impact statement. Both reports are favourable to the accused. I must however state that the court is not bound by the social inquiry report and must exercise discretion judiciously. It is the duty of the court to consider the application on the basis of Article 49 (i) h which grants the right to bail. In considering the application, the court also bears in mind that the primary purpose of bail is to ensure that the accused attends his trial.

7. I have come to the conclusion that there are no compelling reasons to deny the accused bail. He is released on the following conditions:-

- i. He shall post cash bail of Kshs.500,000/= with one surety of similar amount.
- ii. He shall attend court whenever required and shall not impede the trial in any way.

8. Orders accordingly.

Ruling delivered, dated and signed this 16th day of December, 2020.

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R. LAGAT-KORIR

JUDGE

Ruling delivered in the presence of the Accused, Defence Counsel Mr. Leteipa, Mr. Mureithi for the DPP, and Kiprotich (Court Assistant).