

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYAHURURU

CRIMINAL CASE NO.6 OF 2017

REPUBLIC.....PROSECUTOR

- V E R S U S -

PATRICK KAMANGA WANJAMA.....ACCUSED

R U L I N G

Patrick Kamanga Wanjama faces a charge of Murder Contrary to Section 203 as read with Section 204 of the Penal Code.

On 3/5/2017, the accused's counsel, Ms Muriithi made an oral application for bond under Article 49 of the Constitution arguing that she was not aware of any compelling reasons to deny the accused bond.

Mr. Mong'are, learned Counsel for the State did not oppose bond save that he urged the court to give sufficient bond terms to ensure that the accused attends court.

The court called for a pre-bail report to help it determine whether there are any compelling reasons from the community that would warrant a denial of bond. From the social enquiry, the accused is a resident of Matunda Location where he has grown up and lives with his family members. He has a fixed abode. Though this is said to be his first offence, he is said to be a drunkard and associates with people of bad character; the report also indicates that there is no bad blood between the family of the deceased and accused even after the murder incident and therefore his life may not be in danger from the public but could not rule out the reaction of the deceased's children as they were not interviewed.

Having considered the said report, it is my considered view that accused is not a flight risk; there is no evidence that he will interfere with witnesses. I will however, because the deceased was an immediate neighbour and accused's release on bond may evoke emotions, it is advisable that the accused do get an alternative place of residence during the pendency of this case.

I grant accused bond of Kshs.350,000/= with one surety of the same amount.

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R.P.V. Wendoh

JUDGE

Dated, Signed and Delivered at NYAHURURU this 24th day of May, 2017.

PRESENT:

Mr. Mong'are - for prosecution counsel

Mrs. Muriithi for applicant

Soi - Court Assistant

Accused Present