



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KISII**

**CRIMINAL CASE NO.106 OF 2014**

**Consolidated with**

**CRIMINAL CASE NO.42 OF 2015**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**VINCENT OKACHI SAMSON.....1<sup>ST</sup> ACCUSED**

**EVANS ONSARE SAMSON.....2<sup>ND</sup> ACCUSED**

**JARED MABORI NYABUTO.....3<sup>RD</sup> ACCUSED**

**RULING**

1. The three accused persons, **VINCENT OKACHI SAMSON, EVANS ONSARE SAMSON** and **JARED MABORI NYABUTO** are jointly charged with the offence of **Murder contrary to Section 203** as read with **Section 204 of the Penal Code**.

The particulars of the charge are that on 12<sup>th</sup> October 2014 within Kisii County in the Republic of Kenya jointly murdered **ARONI ISABOKE SAMSON**.

2. All the accused persons pleaded **NOT GUILTY** to the charge and applied to be released on bond pending their trial.
3. The prosecution did not object to their release on bond and the Probation Officer's pre-bail report filed in court on 16<sup>th</sup> November 2015 recommended that all the accused persons were could be released on bond on terms that could ensure that they attend court.
4. Under **Article 49 (1) (h)** all arrested persons have a right to be released on bond on reasonable terms except where there are compelling reasons that could make the court to deny them bond.
5. In the instant case the prosecution did not oppose the accuseds' application for bond and the Probation Officer similarly gave favourable recommendation towards their release on bond.
6. In the circumstances, I hereby allow the said application for bond and order that each of the accused persons may be released on bond in the following terms:

- a. Each accused shall execute a personal bond of Kshs.500,000/= with each providing 2 sureties of a similar amount.
- b. The proposed sureties shall be approved by the Deputy Registrar of this court.
- c. The accused persons shall attend court whenever they are required to do so until the case is heard and determined or until further orders of this Honourable Court.
- d. Should the accused persons default in any one court attendance without justifiable cause then the bond shall stand cancelled and the sureties called to account.
- e. Mention on 23<sup>rd</sup> March, 2016.

Dated, signed and delivered in open court this 22<sup>nd</sup> day of January 2016

HON. W. A. OKWANY

JUDGE

In the presence of:

Miss. Mochama for the State

All accused persons: present

Mr. Omwoyo: court clerk