



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NYAMIRA
MURDER CRIMINAL CASE NO. 3 OF 2016

STATE.....APPLICANT

-VERSUS-

BERNARD OSIKE OBWOGUE alias EVANS ONKEO OSIKE...ACCUSED

R U L I N G

This is an application for bond made by the defence consent Mr. Bwonwong'a for the accused person. It was made on the 5th April, 2016.

The accused person, BENARD OSIKE OBWOGUE ALIAS EVANS ONKEO OSIKE was charged with murder contrary to **Section 203** as read with **Section 204** of the Penal Code.

The particulars thereof are that on the 14th day of February 2016 at [Particulars Withheld] village of Irianya Location within Masaba South Sub-County in Kisii in the Republic of Kenya murdered **E M** a boy aged (3) three years and six months.

Bail/Bond is a constitutional Right for the accused person. **Article 49 (1) (h)** says: An arrested person has a right-

“To be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released”.

The state did not object to the application for bond. However he urged the court to give such terms of bond that the accused person attends court until the completion of his trial.

The objective of bail/bond is to guarantee that an accused person attends court for his trial. However, bail/bond must, at the same time, balance the rights of the accused persons and the interest of justice.

The state has a duty to prosecute those who commit crimes, which may entail qualifying the individual right to liberty.

This balance must include the views of victims of the crime in admitting the accused person to bail/bonds.

Therefore this court will release the accused person on **(a)** a personal bond of Kshs.1, 000,000 with two **(2)** sureties of similar amount to be approved by the Deputy Registrar of the Court **(b)** upon release the accused is expected to attend court every month until the completion of the hearing of his case or by orders of this court.

(c) Any one default of the terms of this bond, the same will be cancelled forthwith and the sureties made to account.

(d) His first such attendance to be on 30th May, 2016

Orders accordingly.

Dated and delivered at Nyamira High Court this 29th day of April 2016.

C.B. NAGILLAH

JUDGE

In the presence of:

Bwonwong'a for accused persons

Konga for the State

Mercy Court clerk