



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KISII**  
**CRIMINAL CASES NO.41, 53 AND 44 OF 2013**

**REPUBLIC .....PROSECUTOR**

**-VERSUS-**

**BENSON KIBOMA OYUGI.....ACCUSED 1**

**BENARD ORINA ONYANCHA.....ACCUSED 2**

**JOSEPHINE BOCHERE ORINA.....ACCUSED 3**

**BENARD EDWIN MOSES.....ACCUSED 4**

**RULING**

The court ruled on the 5<sup>th</sup> day of July 2013 to release the four accused persons, namely:

- **Benson Kiboma Oyugi**
- **Bernard Orina Onyancha**
- **Josephine Bochere Orina**
- **Bernard Edwin Moses**

All to be released on bail upon terms as follows:-

- (a) **The accused will deposit cash bail of Kshs.100,000/= in the court.**
- (b) **The accused will provide (1) surety in the sum of Kshs.300,000/=**
- (c) **The accused shall not leave jurisdiction of the court without the leave of court.**
- (d) **The accused will attend the Deputy Registrar every 30 days depending hearing and determination of his/her trial**

The second accused, amongst two others, has been unable to fulfill the bail terms as prescribed.

He therefore applies for the reduction of the bail terms to affordable level.

This court, considering bail/bond is a constitutional right of the accused person under **article 49 (i) (h) of**

**the Constitution**, will endeavour to reduce the terms to enable the accused to be released on bail.

Therefore, accordingly, this will revise the terms as follows:

**-The second accused and those with him who have been unable to afford the terms of the bail, will now provide (1) surety (each) in the sum of Kshs.500, 000/=.**

**-The terms stipulated in (c) and (d) to remain operative. And terms (a) not to be applicable to the second applicant, to Bernard Orina Onyancha.**

It is so ordered.

**Dated and delivered at Nyamira this 10<sup>th</sup> day of December, 2015.**

**C. B. NAGILIAH**

**JUDGE**

**In the presence of:**

Nyamboga hold brief for Bwonwong'a for 4<sup>th</sup> accused

Nyamwange hold brief for Nyawencha for 2 & 3<sup>rd</sup> accused

Mercy - Court Clerk