



**State v Ouma (Criminal Case E055 of 2024) [2025] KEHC 8162 (KLR) (13 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8162 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL CASE E055 OF 2024**

**DK KEMEL, J**

**JUNE 13, 2025**

**BETWEEN**

**STATE ..... PROSECUTION**

**AND**

**PATRICK OUMA ..... ACCUSED**

**RULING**

1. Mr. Odhiambo, learned counsel for the defence has sought for bail review on the grounds that the state of affairs in the community has somewhat improved since tension has subsided and that the family of the accused has secured an alternative accommodation for him in Kisumu and that they have undertaken to avail a surety who will adhere to the terms of bail to be imposed. He urged the court to consider the latest pre-bail report.
2. Mr. Soita, learned counsel for the prosecution, left the matter to the court.
3. This court had on 25/4/2025 declined a request for the release of the accused on bond pending trial on the grounds that there was still tension on the ground as confirmed by the probation officer vide her report dated 25/4/2025. The said probation officer has filed the latest pre-bail report dated 22/5/2025 wherein she has recommended that the accused may be released on bond with a surety since his family has secured an alternative accommodation in Kisumu.
4. I have considered the defence request for review of orders on bond pending trial as well as the latest pre-bail report dated 22/5/2025. Indeed, the accused has pleaded not guilty to the charges herein and thus ipso facto he is deemed innocent until proved guilty. Under Article 49 (i) (h) of the Constitution, an arrested person is entitled to be released on bond pending a charge or trial unless there are compelling reasons not to be released to be advanced by the prosecution. As the situation has been confirmed to have improved on the ground and since the accused has secured an alternative accommodation elsewhere, i see no reason why the conditions of bail should not be reviewed. Consequently, i allow the defence request and proceed to issue the following orders:



1. The accused herein is released on bond of Kshs500,000/= plus one surety of like sum and that upon release, he shall attend court without fail on all scheduled dates and further shall not interfere with witnesses either directly or through proxy and that in the event of default, the bond shall be cancelled and that he together with the surety called to account.
2. Matter shall proceed for further hearing on 29/7/2025.
3. Production order do issue.

**DATED AND DELIVERED AT SIAYA THIS 13<sup>TH</sup> DAY OF JUNE, 2025.**

**D. KEMEI**

**JUDGE**

In the presence of:

Patrick Ouma.....Accused

Odhiambo.....for Accused

Mocha.....for Prosecution

Okumu.....Court Assistant

