



**Republic v Kirui (Criminal Case E004 of 2024)
[2024] KEHC 4179 (KLR) (18 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4179 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE E004 OF 2024
PN GICHOHI, J
APRIL 18, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

AMOS KIPLAGAT KIRUI ACCUSED

RULING

1. Amos Kiplagat Kirui (herein referred to as the Accused) is charged with the offence of murder contrary to Section 203 as read with Section 204 of the *Penal Code*. The particulars of the offence were that on the night of 12th and 13th day of July 2023 at Beeston village of Nessuit Location Njoro Sub-County within Nakuru County murdered Peter Mwangi Wangari.
2. He pleaded “Not Guilty” to the charge and vide an Affidavit sworn on 30th January 2024 by No. 110604 PC Geoffrey Njoroge in his capacity as the Investigating Officer in this matter, the Prosecution opposed release of the Accused person bond on the grounds that he is flight risk.
3. To support that ground, the Investigator depones that the Accused went into hiding immediately after committing this offence and only re-appeared on 17th December 2023 thinking that the matter had settled down. This was five months and was immediately arrested.
4. In further support of that argument, Mr. Kihara for the State submitted that this time, the accused will abscond and never attend trial should he be released on bond. However, after perusing the Pre-bail report, he urged the Court to give stringent bond terms if still inclined to grant bond.
5. In response, Mr. Matoke for the Accused person urged the Court to consider that it is the Accused’s parents who live in Nessuit and that as a young man, the accused person may not necessarily live there as he has to look for a job.



6. This Court has heard the parties and considered the pre-bail report dated 20/02/2024. What comes up from the report is that the Accused's family is poor and cannot afford bond. That they are willing to use their National Identity Cards as security.
7. Nothing from pre-bail report shows that the Accused is a flight risk or any other compelling reason to deny the Accused bond.
8. Regarding the issue raised in the report that the family lacks income, the proposal to use the National Identity Cards as security is tantamount to granting free bond which is untenable in this case. That proposal is dismissed.
9. In conclusion, the Court makes the following orders:-
 1. The objection on bond is dismissed.
 2. The accused be released on a bond of Kshs. 500,000/= with a surety of similar amount.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 18TH DAY OF APRIL , 2024.

PATRICIA GICHOHI

JUDGE

In the presence of:

Mr. Kihara for the State

Accused person

Mr. Matoke for Accused person

Ruto, Court Assistant

