



**Republic v Fano (Criminal Case E011 of 2023)  
[2024] KEHC 4314 (KLR) (11 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4314 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KABARNET  
CRIMINAL CASE E011 OF 2023  
RB NGETICH, J  
APRIL 11, 2024**

**BETWEEN**

**REPUBLIC ..... RESPONDENT**

**AND**

**FANUEL KANDIA ALIAS FANO ..... ACCUSED**

**RULING**

1. The accused Fanuel Kandie alias Fano has been charged with the offence of murder contrary to section 203 as read with Section 204 of the *Penal Code*. The particulars of the charge being that on the 24<sup>th</sup> day of September, 2022 at K2 Choma Base Koriema Club, Koriema Sub-location, Marigat Sub- County within Baringo County the accused murdered Benard Kiprono Sang alias Ainamoi super star.
2. The accused applied for bond and the court called for Prebail report which turned out to be negative. By a ruling delivered on November 30, 2024, the court found that there were compelling reasons to deny accused bond.
3. On 15/2/2024, the defence counsel Ms. Kogo informed the court that there was a letter from the area chief indicating that they are not opposed to bond. She prayed for another prebail report to be availed.
4. A second prebail report was filed on March 12, 2024. From the report, the area Chief confirmed that he wrote the letter the accused produced in court but went further to say that accused had been charged with offence of robbery with violence but he went into hiding while the case was pending.
5. The Investigating Officer was also interviewed and he said the accused threatened witnesses when they came to court telling them “nyinyi ndio mumekuja kunimaliza” meaning “you are the ones who have come to finish me”.



6. The Investigating Officer confirmed that in respect to Criminal Case E711/2021 before the lower court, the accused jumped bail. A neighbour interviewed described accused as truant and violent while under the influence of alcohol and is feared by members of Serinyo village.
7. I have considered sentiments given by the people interviewed by Probation Officer while preparing the second prebail report and find that there are compelling reasons to deny accused bond and decline to revise my earlier order of November 30, 2023. From the foregoing, the accused to remain in custody until hearing and determination of this case and his case be prioritized in hearing.

**8. Final Orders:-**

1. Accused's application for bond is hereby dismissed.
2. Accused to remain in custody until hearing and determination of this suit.
3. Hearing to proceed on priority basis.

**RULING DELIVERED, DATED AND SIGNED IN VIRTUALLY AT KABARNET THIS 11<sup>TH</sup> DAY OF APRIL 2024.**

.....

**RACHEL NGETICH**

**JUDGE**

In the presence of:

CA Sitienei.

Ms. Ratemo for state.

Accused present.

Ms Kogo for accused.

