



**Republic v Rerimoi (Criminal Case E002 of 2024)
[2024] KEHC 4418 (KLR) (2 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 4418 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KABARNET
CRIMINAL CASE E002 OF 2024**

RB NGETICH, J

MAY 2, 2024

BETWEEN

REPUBLIC PROSECUTION

AND

BERNARD KIPTOO RERIMOI ACCUSED

RULING

1. The accused person Bernard Kiptoo Rerimoi 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 the accused on the night of 25th December, 2023 and 26th of December, 2023 at Kipritiony village, Kinyach Location in Baringo North Sub- County within Baringo County, murdered Elizabeth Cherewa Rerimoi.
2. The charge and its full particulars were read over and explained to the accused on 12th March, 2024. He denied the charge and plea of not guilty was entered. The prosecution informed the court that they were not opposed to bond and the court called prebail report to assist in determining bond.
3. The pre-bail report was filed on 9th day of April, 2024. From the report, the accused is 30 years old. His father was swept away by floods in the year 2001 while his mother is the victim herein. He has 8 siblings. He dropped out of school in the year 2012 due to family responsibility of herding family animals. In the year 2012 to 2014, he was a herder, 2015 to 2019 he worked as a motor cycle rider within Kalabata area. In the year 2020 to the time of his arrest he was working at a quarry site. The accused’s uncle and cousin wish to have the accused released on bond but they are not able to be meet and discuss who will stand surety for him as they are spread out due to banditry.
4. The local administration noted that the accused person is well known to him and he has been troublesome within the community for a while. He stated that the accused person has been threatening



him plus other members of the community. He is opposed to the accused person being released on bond and there are high chance of jumping bail and he may interfere with witnesses.

DETERMINATION

5. Article 49(1)(h) of the Constitution gives every accused whether foreigner or citizen a right to be released on bond pending hearing and determination of his case unless there is compelling reason to deny him bond. Further, by dint of Article 50(2) of the Constitution, every accused person is entitled to the presumption of innocence and the presumption of innocence should be reflected in their treatment and management in that they should not be subjected to the same rules and regulations as convicts.
6. In line with the above, section 123A of the Criminal Procedure Code, Chapter 75 of the Laws of Kenya provides as follows: -

“(1) Subject to Article 49(1)(h) of the Constitution and notwithstanding section 123, in making a decision on bail and bond, the Court shall have regard to all the relevant circumstances and in particular—

- a. the nature or seriousness of the offence;
 - b. the character, antecedents, associations and community ties of the accused person;
 - c. the defendant's record in respect of the fulfilment of obligations under previous grants of bail; and;
 - d. the strength of the evidence of his having committed the offence;
- (2) A person who is arrested or charged with any offence shall be granted bail unless the court is satisfied that the person—has previously been granted bail and has failed to surrender to custody and that if released on bail (whether or not subject to conditions) it is likely that he would fail to surrender to custody; should be kept in custody for his own protection.”

7. The overarching objective of bail is to ensure the accused attends his trial. Relevant matters to be considered by the court include the nature of the charge, the likely sentence, previous criminal records, the views of the family of the victim, the possibility of interference with witnesses, the temptation to abscond and the safety of the accused.
8. I take note of the fact that the prosecution is not opposed to accused being released on bond. However, the social inquiry report is negative. The family members interviewed also indicated that due to banditry, the family of the accused are spread out and they are non-committal on standing surety for accused. The local administration's sentiments are that the accused has been problematic in the community and he is likely to interfere with witness; further that he has threatened the local administrators. Considering the above, I am of the view that it will not be appropriate to release the accuse on bond. From the prebail report, there are compelling reasons to deny accused bond. I will however direct that this case proceeds on priority basis.
9. Final Orders
 1. I hereby decline to release accused on bond.
 2. This matter to proceed on priority basis.

RULING DELIVERED, DATED AND SIGNED IN VIRTUALLY AT KABARNET

THIS 2ND DAY OF MAY 2024.



RACHEL NGETICH

JUDGE

In the presence of:

CA Elvis.

Ms. Mokoit for the accused.

Ms. Ratemo for state.

