



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**CRIMINAL CASE NUMBER E036 OF 2021**

**REPUBLIC..... ODPP**

**VERSUS**

**PETER CHERUIYOT LANGAT.....ACCUSED**

**R U L I N G ( On Bail)**

1. The accused person is charged with two (2) counts of **Murder Contrary to Section 204 of the Penal Code**. It is alleged that on 30<sup>th</sup> July 2021 Karandich Village Tinet Location Kuresoi South Sub County Nakuru County he murdered AGNES CHEPNG'ENO KIRINYET & DAVID KIPNG'ENO KORIR ALIAS CHRISTOPER.
2. I sought for a Pre Bail Report to assist the court arrive at reasonable bond terms, and to comply with the Victim Protection Act.
3. I have perused the Pre Bail Report made by Mr. Samwel Ndung'u Probation Officer Nakuru filed on 20<sup>th</sup> September 2021. It is clearly evident that the Probation Officer did not peruse the entire court file. He did not note that the accused faces two counts of Murder.
4. It is also evident, from the report that he did not interview anyone on the ground. This is because the report makes reference to only one victim, the wife of the deceased. If he had spoken to any of the persons he makes reference to, who he states are from the area where the offence was committed he would have established that there is more than one victim here, who include the accused's children, accused's family and the family of the second victim.
5. The report bears nothing to show that the Probation Officer complied with the requirements of the Victim Protection Act with respect to the secondary victims of the offence, there is no evidence at all in the report that their views were sought. There is nothing in the report with respect to the family of David Kipng'eno yet the charge sheet is clear that offence is alleged to have been committed in the same place, same time, same date by the accused person before court, and who is the subject of the Probation Officer's report.
6. This is a case where the mother of five (5) children is alleged to have been killed by their father, yet there is nothing in the report to show that their ages and whether their views were sought. These children were rendered children in need of care of protection and there is no indication whether the court's intervention as it is not indicated whether or not they are at any risk should the accused person be released from custody.
7. Surely, why did this officer file this report? He could have sought for more time to file a report that addressed all these requisite areas.
8. It is my finding that it falls far short of the requirements of a Pre Bail Report, especially in a case such as this. I direct that a further report be availed, on or before the 10<sup>th</sup> November 2021, under the supervision of the County Probation Officer Nakuru.
9. The Ruling be served on the County Probation Officer for compliance
10. Mention on 10<sup>th</sup> November, 2021.

**DATED, SIGNED AND DELIVERED VIRTUALLY THIS 3<sup>RD</sup> DAY OF NOVEMBER, 2021**

**MUMBUA T MATHEKA**

**JUDGE**

Edna Court Assistant

For state: Ms. Murunga

Accused: Present virtually

Mr. Ooga for accused