



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL CASE NUMBER 49 OF 2019

REPUBLIC.....PROSECUTOR

VERSUS

BERNARD KARIA MWANGI.....ACCUSED

RULING (BAIL)

1. The accused Bernard Karia Mwangi is charged with **Murder Contrary to Section 203 as read with 204 of the Penal Code**. It is alleged that on 4th October 2019 at Kiratina, Nakuru East Sub County he murdered Lucy Nyira Ndung'u.
2. He pleaded not guilty on 25th November 2019. His counsel Ms. Ayuma applied for bond on favourable terms.
3. The Republic through Ms. Nyakira requested that the Pre-Bail Report be availed first. The first report availed on 30th January 2020 had gaps which the probation officer has now dealt with in the report dated 11th March 2020 and filed on 10th March 2020.
4. The report bears reference number BI/HC/20/01B but still does not bear the office stamp. The report is accompanied by the letter of Area Assistant Chief Kiratina Sub-Location, one Serah who informs the court that as at 5th March 2020 the home environment was volatile and hostile to the accused who risks being lynched. She states, that this is a case where the accused burnt his wife with petrol leading to her death. She says the accused's safety is not guaranteed if he is released on bond.
5. The accused person's right to be presumed innocent until proved guilty notwithstanding, it is clearly not safe for him to be released on bond.
6. The family members were interviewed and it came out clearly that they were still traumatized by the events leading to the death of the victim herein. Their greatest fear is that he will interfere with witnesses, and that he may also be a threat to the family if released. He is obviously not welcome at home and no one as yet has shown interest in standing surety for him.
7. The accused is entitled to bond subject to the existence of compelling reasons against it. Herein, he is accused of killing his wife by setting her on fire with petrol. He is presumed innocent until proven guilty. However, the social inquiry report indicate his life may be in danger. He may endanger the lives of other members of the family. He may interfere with witnesses, the community where he lives does not want anything to do with him. So his social capital has dwindled.
8. His application for bond is denied for now subject to review after the court has heard key witnesses.
9. Orders accordingly.

Delivered, Dated and Signed at Nakuru this 9th day of April, 2020.

Mumbua T. Matheka

Judge

In the presence of:- Via ZOOM

Edna Court Assistant

For state Ms. Mburu

Ms. Ayuma for accused