



**Republic v Kimtai alias Abel (Criminal Case E011 of 2025)
[2025] KEHC 13508 (KLR) (19 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13508 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDAMA RAVINE
CRIMINAL CASE E011 OF 2025
RB NGETICH, J
SEPTEMBER 19, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

DAN KIPROTICH KIMTAI ALIAS ABEL ACCUSED

RULING

1. The accused Dan Kiprotich Kimtai Alias Abel is charged with the offence of murder contrary to Section 203 as read with Section 204 of the [Penal Code](#). It is alleged that on 17th April, 2025 at Kureshun area, Kabartonjo Division in Baringo North Sub-County within Baringo County, he murdered one Kevin Kibichii.
2. On 27th May, 2025, the charge and its full particulars were read to the accused. He pleaded not guilty. The prosecution, through Ms. Kosgei, indicated they had no compelling reasons to oppose bond but requested a pre-bail report before consideration. The Court directed that a pre-bail report be filed.

Pre-bail Report

3. The report shows the accused is the fourth-born in a family of six children of the late Cosmas Kimtai and Catherine Ngeyo, a farmer. The accused dropped out of school due to financial challenges and engaged in casual labour to support his family. He has two young children, though his wife has since left with them. He admitted to alcohol use.
4. The accused's mother prayed for his release on bond, citing their humble background, though she admitted they were yet to identify a surety. She also disclosed that the accused faces another criminal matter in Kitale.
5. It was noted that the accused has another pending matter in Kitale involving theft of a motorcycle, in which he is yet to be admitted to bond.



- 6. The victim, a 17-year-old secondary school student, was the first-born in his family. His family described him as a young man of good character whose death was a great loss. They vehemently opposed the accused’s release on bond, terming him a flight risk and a source of fear.
- 7. The local administration from Chepyuk, Bungoma, where the accused hails from, described him as long suspected of killing boda boda riders and stealing motorcycles with the support of his family. They stated that the community remains hostile towards him and would not accept his return. They opposed bond on grounds of his safety and the likelihood of absconding.
- 8. The investigating officer also opposed bond, noting that the accused was a wanted person in Kitale who had evaded arrest. He described him as a flight risk and dangerous.
- 9. The probation officer concluded that the accused was unsuitable for bond as he posed risks to public safety, faced hostility from his community, and was viewed as a flight risk.

Determination

- 10. Bail is a constitutional right under Article 49(1)(h) of the Constitution, which provides that an arrested person has the right “to be released on bond or bail on reasonable conditions pending a charge or trial unless there are compelling reasons not to be released.”
- 11. Article 50(2) further guarantees the presumption of innocence. However, release on bond may be restricted if compelling reasons exist.
- 12. Section 123A of the Criminal Procedure Code and the Bail and Bond Policy Guidelines outline factors for consideration, including the seriousness of the offence, the likelihood of interference with witnesses, the accused’s safety, and whether the accused is a flight risk.
- 13. In the present case, the pre-bail report is adverse. The victim’s family strongly opposes release. The community in Bungoma remains hostile to the accused, raising serious concerns for his personal safety. He also faces another pending criminal case in Kitale and has been described by local authorities and the investigating officer as a flight risk with a history of evading arrest.
- 14. On the totality of the material before court, I am satisfied that compelling reasons exist to deny bond at this stage. The accused’s release would endanger his safety and undermine the administration of justice.

Final Orders: -

15 The application for bond is declined. The accused shall remain in custody pending trial.

RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT ELDAMA RAVINE HIGH COURT (SUB-REGISTRY) THIS 19TH DAY OF SEPTEMBER, 2025.

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RACHEL NGETICH

_JUDGE

In the presence of :

Ms. Kosgei for State.

Mr. Kiptoo for accused.

Accused present.

CA, Elvis/Momanyi.

