



REPUBLIC OF KENYA



**Republic v Kibor (Criminal Case E008 of 2025)
[2025] KEHC 15545 (KLR) (29 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15545 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KABARNET
CRIMINAL CASE E008 OF 2025
RB NGETICH, J
OCTOBER 29, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

JOSPHAT KIMUTAI KIBOR ACCUSED

RULING

1. The accused Josphat Kimutai Kibor has been charged with the offence of Murder contrary to Section 203 as read with Section 204 of the Penal Code. Particulars are that on the 7th day of April 2025 at Kasere village of Emom location in Baringo central subcounty Baringo county within Baringo county, the accused murdered Laban Kipchumba Kibor.
2. The accused seeks to be released on bond pending trial pursuant to Article 49(1)(h) of *the Constitution*, which guarantees the right to bail unless there are compelling reasons for denial. I called for pre-bail report to assist establish whether there are compelling reasons to deny accused bond or not which was filed on 15th September 2025.

Pre-bail Report

3. From the report, the accused has no history of jumping bail and he understands the seriousness of the offence. The accused and victim were brothers. The victim's family stated that they had lived in fear until the accused was placed in custody as he is known to be a violent person. The accused's brother stated that they fear leaving their mother at home when accused is at home and they fear he may harm their mother if released on bond. The mother said the accused is a violent and dangerous person and that he has harmed her before.
4. The local administrator also described the accused as a violent person and members of the community are afraid of him as they view him as a dangerous person and have threatened to finish him if released



before he harms any other member of society. The local administrator said the community has enjoyed relative peace since the accused was placed in custody and the community are not willing to accept him back but are willing to assist the accused's wife and children as long as accused is in custody.

Determination

7. Article 49(1)(h) of *the Constitution* guarantees the right to bail unless compelling reasons are demonstrated. The burden lies on the prosecution to establish such reasons.
8. The principles on bail have been restated in Republic v. Danson Mgunya & Another [2010] eKLR and Ng'ang'a v. Republic [1985] KLR 451 where the court that key considerations for bond include: -
 - a) The nature and seriousness of the offence.
 - e) Public interest and security concerns.
 - d) The accused's character, antecedents, and likelihood of absconding.
 - c) The likelihood of interference with witnesses.
 - b) The strength of the prosecution case.
7. I have considered sentiments given by the victim's family who are also accused's family as the deceased herein is his brother plus sentiments by the local administrator and community members. They all describe accused as a violent and dangerous person who is not welcome in the community. They have indicated that if released, they will live in fear and he may harm other community members of his family. The mother said accused had harmed her before and he may harm her again. The community and family are even willing to support the accused's wife and children as long as he remains in custody for peace to prevail in the community. They have threatened to harm him if released. In view of the above, for safety of accused and peace within the community, I am inclined to deny accused bond. There are therefore compelling reasons to deny accused bond.
7. Final Orders: -
 - a. Application for bond is hereby declined.
 - b. Accused to be remanded in custody pending hearing and determination of this suit.

RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KABARNET THIS 29TH DAY OF OCTOBER, 2025.

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RACHEL NGETICH

JUDGE

In the presence of:-

Ms. Bartilol for State.

Mr. Chebii for accused.

Accused present.

CA, Elvis/Momanyi.

