



**Republic v Keffa & 2 others (Criminal Case E317 of 2026)
[2026] KEMC 51 (KLR) (26 February 2026) (Ruling)**

Neutral citation: [2026] KEMC 51 (KLR)

**REPUBLIC OF KENYA
IN THE NAKURU LAW COURTS
CRIMINAL CASE E317 OF 2026
PA NDEGE, SPM
FEBRUARY 26, 2026**

BETWEEN

REPUBLIC PROSECUTION

AND

BIVON ONDARI KEFFA 1ST ACCUSED

WALTER SHIVANDA MTESHI 2ND ACCUSED

ANTHONY NJONJO NDUNGU 3RD ACCUSED

RULING

1. The accused persons are jointly charged with the offence of robbery with violence contrary to section 296(2) of the Penal Code. Upon taking plea, this court called for a pre-bail reports. This is because the prosecution did not advance any compelling reasons to deny them bail as envisaged under Article 49(1) (h) of the *Constitution* of Kenya, 2010, which guarantees the right to be released on reasonable bond or bail terms unless there are compelling reasons to the contrary. This court now has the advantage of going through the pre-bail reports presented in respect to the accused persons.
2. The court has considered the serious nature of the offence, the circumstances of arrest, and the prevalent of violence and criminal gangs within Rhonda area which is a matter of public policy and notoriety. All the reports for all the accused persons herein doubt their honesty to attend court throughout the trial process herein, if released on bail/bond.
3. Further, the victim herein appear to be in real fear, and the community has vowed to lynch or harm the accused persons if released on bond. The local leadership and administration have adopted a defeatist approach towards guaranteeing their safety. There is thus a real danger that they are likely to abscond or interfere with witnesses and hence hamper the progress and/or conclusion of the trial process herein. In the circumstances, the court finds compelling reasons to deny accused person’s bond/ bail.



Orders

4. Accused persons herein and the trial herein are safer while the accused persons herein are in remand custody. This court therefore find them unsuitable to be released on bail and/or bond. They shall thus remain in remand custody throughout the trial herein, unless an unusual circumstance which might amount to a change in circumstances arises.

Orders accordingly.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 26TH DAY OF FEBRUARY, 2026.

PETER NDEGE

SENIOR PRINCIPAL MAGISTRATE

In the presence of;

Court interpreter: Wanyoike

Prosecution Counsel: Ismail

1st Accused: Present

2nd Accused: Present

3rd Accused: Present

